

TITLE 5

UTILITIES

CHAPTER 1

STORM WATER MANAGEMENT

§ 5-1-1. GENERALLY.

§ 5-1-2. FINDINGS.

§ 5-1-3. OBJECTIVES.

§ 5-1-4. DEFINITIONS.

§ 5-1-5. SCOPE OF RESPONSIBILITY.

§ 5-1-6. POWERS OF THE DEPARTMENT OF PUBLIC WORKS.

§ 5-1-7. STORM WATER RUNOFF QUANTITY CONTROLS.

§ 5-1-8. PROHIBITION.

§ 5-1-9. ILLICIT CONNECTIONS.

§ 5-1-10. MAINTENANCE AND INSPECTION.

§ 5-1-11. VARIANCES FOR REQUIREMENTS.

§ 5-1-12. APPEALS.

§ 5-1-13. COOPERATION WITH OTHER GOVERNMENTS.

§ 5-1-14. PROPERTY OWNER LIABILITY; SUPPLEMENTAL CHARGES.

§ 5-1-15. ENFORCEMENT; PENALTIES.

§ 5-1-16. SEVERABILITY.

§ 5-1-17. PRIOR INCONSISTENT ORDINANCES.

CHAPTER 2

WATER AND SEWERS

ARTICLE 1

IN GENERAL

§ 5-2-1. STANDARD AND SPECIAL WATER SERVICE.

§ 5-2-2. WHO MAY RENEW SERVICES, MOVE CURB STOPS, ETC.

§ 5-2-3. WATER AND SEWER LINES IN SAME DITCH.

§ 5-2-4. USE OF PIPES PREVIOUSLY RUN TO THE CURB.

§ 5-2-5. COMPLIANCE WITH PLUMBING CODE, ETC., AND PAYMENT OF INSPECTION FEES
PREREQUISITE TO INTRODUCTION OF WATER.

§ 5-2-6. WHEN SEWER CONNECTIONS REQUIRED.

§ 5-2-7. WHO MAY TAP MAINS AND PIPES, RUN SERVICE LINES, ETC.

§ 5-2-8. RESELLING OR DISTRIBUTING WATER PROHIBITED.

§ 5-2-9. NOTICE OF LEAKING FIXTURES.

§ 5-2-10. INSTALLATION, ETC., OF METERS--GENERALLY.

§ 5-2-11. WHERE METER SERVICE REQUIRED.

§ 5-2-12. WATER OBTAINED THROUGH FALSE PRETENSES.

§ 5-2-13. UNAUTHORIZED TURNING ON OR OFF OF WATER, TAMPERING WITH METERS, ETC.

§ 5-2-14. USE OF WATER FROM FIRE HYDRANT FOR PURPOSES OTHER THAN FIRE EXTINGUISHMENT.

§ 5-2-15. COVERING TOPS OF METER BOXES.

§ 5-2-16. AUGUSTA-RICHMOND COUNTY TO KEEP METERED SERVICES IN REPAIR; LIABILITY OF PROPERTY OWNER FOR DAMAGE.

§ 5-2-17. REDUCTION IN SIZE OF METER.

§ 5-2-18. CHANGE OF LOCATION OF METER.

§ 5-2-19. REMOVING, ETC., METERS, VALVES AND OTHER APPURTENANCES OF UTILITIES.

§ 5-2-20. CURB STOPS--GENERALLY; LAWN AND YARD HYDRANTS.

§ 5-2-21. CURB STOP REQUIREMENTS; CURB STOP BOX.

§ 5-2-22. DUTY OF PERSONS TAKING WATER AS TO SERVICE PIPES AND FIXTURES.

§ 5-2-23. CHANGE IN LOCATION OF FIRE HYDRANT, ETC.

§ 5-2-24. LIABILITY OF PLUMBER NOT PROPERLY REPLACING CURB STOP BOX OR INJURING PROPERTY.

§ 5-2-25. FIRE PROTECTION SERVICE--GENERALLY.

§ 5-2-26. SAME--AIR PRESSURE TANKS FOR DRY SYSTEMS.

§ 5-2-27. USE OF WATER FROM PUBLIC WATER OPENINGS.

§ 5-2-28. PERMITTING WASTE OF WATER.

§ 5-2-29. INJURING, OBSTRUCTING, ETC., HOUSES, PIPES, FIREPLUGS, ETC., PERTAINING TO UTILITIES DEPARTMENT.

§ 5-2-30. TRESPASS AT RESERVOIR, ETC.

§ 5-2-31. BATHING IN, THROWING ARTICLES INTO, OR WASHING DOGS, CLOTHES, ETC., IN RESERVOIRS.

§ 5-2-32. OPENING CURB COCK.

§ 5-2-33. INTERFERENCE WITH WATER SUPPLY FOR EXTINGUISHING FIRES.

§ 5-2-34. LEAVING VALVE CLOSED OR IN BAD ORDER.

§ 5-2-35. INSTALLATION OF WATER SERVICES PRIOR TO PAVING STREETS.

§ 5-2-36. ACCEPTANCE OF WATER MAINS IN SUBDIVISIONS.

§ 5-2-37. POLICE POWERS OF CERTAIN EMPLOYEES.

§ 5-2-38. REFUSAL TO ADMIT PUBLIC UTILITIES PERSONNEL TO MAKE INSPECTIONS.

§ 5-2-39. RULES AND REGULATIONS AS TO PUBLIC UTILITIES.

§ 5-2-40. PENALTY.

ARTICLE 2

RATES AND CHARGES

§ 5-2-41. PAYMENT OF CHARGES PREREQUISITE TO MAKING CONNECTIONS, ETC.

§ 5-2-42. CHARGES AND USE OF WATER AND SEWER MAIN REGULATIONS.

§ 5-2-43. APPLICATION FOR USE OF WATER AND MANNER OF BILLING--GENERALLY.

§ 5-2-44. MEASUREMENT BY METERS.

§ 5-2-45. SCHEDULE OF WATER AND SEWER RATES AND MINIMUM CHARGES.

§ 5-2-46. CHARGES WHEN METER SUPPLIES HOUSES OF DIFFERENT OWNERSHIP.

§ 5-2-47. MINIMUM CHARGE WHEN TWO OR MORE HOUSES ARE ON THE SAME METER.

§ 5-2-48. ASSESSMENTS AGAINST TENEMENTS; SUPPLY OF WATER TO TWO OR MORE FAMILIES THROUGH SAME SERVICE PIPE.

§ 5-2-49. EFFECT OF FAILURE TO PAY BILLS WHEN DUE; FEES IN CONNECTION WITH CUT-OFF AND/OR UNAUTHORIZED OBTAINING OF WATER; REMOVAL OF DEAD METERS.

§ 5-2-50. ADJUSTMENT OF EXCESSIVE BILLS CAUSED BY LEAKING FIXTURES--GENERALLY.

§ 5-2-51. SAME--PLUMBER§S CERTIFICATE OF REPAIRS PREREQUISITE TO REDUCTION IN WATER BILL.

§ 5-2-52. SAME--AUTHORITY OF MANAGER, PUBLIC UTILITIES SALES, TO REDUCE WATER BILL.

§ 5-2-53. SAME--SPOT-CHECKS OF PLUMBERS§ CERTIFICATES.

§ 5-2-54. SAME--REPAIRS TO BE MADE BEFORE ISSUANCE OF PLUMBERS§ CERTIFICATES.

§ 5-2-55. HOW WATER RENTS TO BE COLLECTED; DEFAULTS.

§ 5-2-56. - § 5-2-69. RESERVED.

ARTICLE 3

SEWERS

§ 5-2-70. SEWER ASSESSMENT CHARGES--GENERALLY.

§ 5-2-71. SAME--SPECIAL COMMERCIAL OR INDUSTRIAL USERS.

ARTICLE 4

BACKFLOW PREVENTION AND CROSS-CONNECTIONS

§ 5-2-72. DEFINITIONS.

§ 5-2-73. PURPOSE.

§ 5-2-74. GENERAL PROVISIONS.

§ 5-2-75. INSPECTION.

§ 5-2-76. OTHER INSTANCES WHERE PROTECTIVE DEVICES REQUIRED.

§ 5-2-77. SIGN REQUIREMENTS.

§ 5-2-78. TIMEFRAME FOR COMPLIANCE.

§ 5-2-79. PENALTY.

§ 5-2-80. RIGHT OF DIRECTOR TO SEVER CROSS-CONNECTION.

§ 5-2-81. SEVERABILITY.

§ 5-2-82. PENALTY FOR VIOLATION OF ARTICLE.

§ 5-2-83.--§ 5-2-109. RESERVED.

ARTICLE 5

WATER CONSERVATION

RESTRICTION

§ 5-2-110. DEFINITIONS.

§ 5-2-111. RESIDENTIAL STANDARDS.

§ 5-2-112. COMMERCIAL STANDARDS.

§ 5-2-113. APPLICABILITY.

§ 5-2-114. EXEMPTIONS.

§ 5-2-115. ENFORCEMENT; PENALTY.

CHAPTER 3

WASTEWATER

§ 5-3-1. GENERALLY.

§ 5-3-2. DEFINITIONS.

§ 5-3-3. USE OF PUBLIC SEWERS.

§ 5-3-4. PRIVATE SEWAGE DISPOSAL.

§ 5-3-5. PROHIBITIONS AND LIMITATIONS OF WASTEWATER DISCHARGES INTO THE PUBLICLY OWNED TREATMENT WORKS.

§ 5-3-6. EXCEPTION TO WASTEWATER STRENGTH STANDARD.

§ 5-3-7. FEES.

§ 5-3-8. SYSTEM OF SURCHARGES TO INDUSTRIAL WASTE CONTRIBUTORS.

§ 5-3-9. SYSTEM OF SURCHARGES TO SEPTIC TRUCK HAULERS.

§ 5-3-10. TREATMENT COSTS OF OTHER POLLUTANTS.

§ 5-3-11. SPECIAL AGREEMENTS.

§ 5-3-12. WASTEWATER DISCHARGE PERMIT.

§ 5-3-13. INSPECTION, MONITORING AND ENTRY.

§ 5-3-14. INDUSTRIAL WASTEWATER REPORTING REQUIREMENTS.

§ 5-3-15. PENALTIES.

§ 5-3-16. JUDICIAL REMEDIES.

§ 5-3-17. SEVERABILITY.

§ 5-3-18. CONFLICT.

§ 5-3-19.--§ 5-3-25. RESERVED.

TITLE 5

UTILITIES

CHAPTER 1

STORM WATER MANAGEMENT

§ 5-1-1. GENERALLY.

This Chapter shall be known as the *Storm Water Management Ordinance of Augusta-Richmond County*.

§ 5-1-2. FINDINGS.

(a) Uncontrolled storm water drainage/discharge may have a significant, adverse impact on the health, safety, and welfare of the citizens of Augusta-Richmond County. Surface water runoff can carry pollutants and nutrients into receiving waters.

(b) Uncontrolled storm water drainage can increase the incidence of flooding and the level of floods which occur, endangering roads, other public and private property and human life.

(c) Altered land surfaces can change the rate and volume of runoff.

(d) Adverse water quality and quantity consequences described above could result in substantial economic losses. Potential losses include, but are not limited to, increased water treatment costs, as well as state and federal fines associated with water quality violations.

(e) Many future problems can be avoided through proper storm water management.

(f) Every parcel of real property, both public and private, either uses or benefits from the maintenance of Augusta-Richmond County's storm water system.

(g) Current and anticipated growth will contribute to and increase the need for improvement and maintenance of the storm water system.

§ 5-1-3. OBJECTIVES.

The objectives of this chapter include the following:

(a) To protect, maintain, and enhance the public health, safety, and general welfare. This objective will be achieved by providing for regulation and management of Augusta-Richmond County's storm water system, including public and private facilities in Augusta-Richmond County.

(b) To comply with State Department of Natural Resources and Federal Environmental Protection Agency storm water regulations developed pursuant to the Federal Clean Water Act. These requirements include:

(1) Control of the contribution of pollutants to the municipal storm sewer system by storm water discharges associated with commercial and industrial activity and the quality of storm water discharged from sites of commercial and industrial activity;

(2) Prohibition of illicit connections to municipal separate storm sewers;

(3) Control of discharge to municipal separate storm sewers of spills, dumping or disposal of materials other than storm water; and,

(4) Control, through intergovernmental agreements, of contribution of pollutants from one municipal system to another.

§ 5-1-4. DEFINITIONS.

(a) For the purposes of this chapter, unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most effective application. Words in the singular shall include the plural, and words in the plural shall include the singular. Words used in the present tense shall include the future tense. The word *shall* connotes mandatory and not discretionary; the word *may* is permissive.

(b) Unless otherwise specified, or it is apparent from the context, definitions herein will be the same as those in other Augusta-Richmond County Ordinances and as used elsewhere in this code.

(1) *Accidental discharge*. A discharge prohibited by this chapter into the municipal storm sewer system which occurs by chance and without planning or consideration prior to occurrence.

(2) *Appeals authority*. The Augusta-Richmond County Commission, one of whose purpose is to review appeals to this chapter and render decisions and variances.

(3) *Best Management Practices (BMPs)*. A wide range of management procedures, activities, and prohibitions on practices which control the quality and/or quantity of storm water runoff and which are compatible with the planned land use.

(4) *Clean Water Act*. The Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.).

(5) *Cooling water*. Water used exclusively as a cooling medium in an appliance, device or apparatus.

(6) *Conveyance*. Storm water features designed for the movement of storm water through the drainage system, such as concrete or metal pipes, ditches, depressions, or swales.

(7) *Department*. The department of public works responsible for all storm water management activities and implementation of the provisions of this chapter.

(8) *Development* means:

- a. The division of a lot, tract or parcel of land into two (2) or more lots, plots, sites, tracts, parcels or other divisions by plat or deed;
- b. The construction, installation, or alteration of a structure, impervious surface, or drainage facility;
- c. Clearing, scraping, grubbing, or otherwise significantly disturbing the soil, vegetation, mud, sand or rock or a site; or
- d. Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation mud, sand or rock of a site.

(9) *Director*. Either the director of department of public works or any duly authorized representatives of the director.

(10) *Easement*. An acquired legal right for the specific use of land owned by others.

(11) *Governing body*. The Augusta-Richmond County Commission.

(12) *Illicit connection*. A connection to a municipal separate storm sewer system which results in discharge that is not composed entirely of storm water runoff, except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer).

(13) *Maintenance*. Any action necessary to preserve storm water management facilities in proper working condition, in order to serve the intended purposes set forth in this chapter and to prevent structural failure of such facilities.

(14) *Municipal storm sewer system*. A conveyance or system of conveyances (including roads with drainage systems, highways, rights-of-way, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, other stormwater facilities) which is:

- a. Owned or operated by Augusta-Richmond County;
- b. Designed or used for collecting or conveying storm water;
- c. Not a combined sewer; and,
- d. Not a part of a Publicly Owned Treatment Works (POTW).

(15) *National Pollutant Discharge Elimination System (NPDES)*. A regulatory mechanism established by the U.S. Environmental Protection Agency pursuant to the Water Quality Act and the Clean Water Act with permit application requirements as set forth in 55FR47990 as implemented by the Georgia Environmental Protection Division of the Department of Natural Resources in accordance with the State Water Quality Control Act, O.C.G.A. § 12-5-21.

(16) *Person*. Any and all persons, natural or artificial and includes any individual, firm, corporation, government agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other legal entity.

(17) *Pollution*. The contamination or other alteration of any water's physical, chemical or biological properties, including

change in temperature, taste, color turbidity, or odor of such waters or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

(18) *Private*. Property or facilities owned by individuals, corporations, and other organizations and not by city, state, or federal government.

(19) *Procedure*. A procedure adopted by the utility, by and through the director of public works, to implement a regulation or regulations adopted under this chapter, or to carry out other responsibilities as may be required by this code or other codes, ordinances or resolutions of Augusta-Richmond County.

(20) *Regulation*. Any regulation, rule or requirement prepared by the department and adopted by Augusta-Richmond County pursuant to the requirements of this chapter.

(21) *Sanitary sewer system*. The complete sanitary sewer system of the county which discharges sewage directly or indirectly into the sewage treatment plant, including sanitary sewer pipelines, manholes and flushing inlets and appurtenances to the foregoing, excluding sewage treatment facilities.

(22) *Site*. Any lot, plot, parcel or tract of land.

(23) *Storm water management*. The collection, conveyance, storage, treatment and disposal of storm water runoff in a manner to meet the objectives of this chapter and which shall include a system of vegetative or structural measures, or both, that control the increased volume and rate of storm water runoff and water quality impacts caused by manmade changes to the land.

(24) *Storm water management facilities*. Constructed or natural components of a storm water drainage system, designed to perform a particular function, or multiple functions, including, but not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins, natural systems and modular pavement.

(25) *Storm water runoff*. The direct response of a land surface to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm drain or other concentrated flow during and following the precipitation.

(26) *Variance*. The modification of the minimum storm water management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this chapter.

(27) *Water quality*. Those characteristics of storm water runoff that relate to the physical, chemical, biological, or radiological integrity of water.

(28) *Water quantity*. Those characteristics of storm water runoff that relate to the rate and volume of the storm water runoff.

§ 5-1-5. SCOPE OF RESPONSIBILITY

(a) The provisions of this chapter shall apply throughout Augusta-Richmond County.

(b) The director of the department of public works or designee shall be responsible for the coordination and enforcement of the provisions of this chapter.

(c) The department of public works shall be responsible for the conservation, management, maintenance, extension, and improvement of the Augusta-Richmond County storm water system, including activities necessary to control storm water runoff and activities necessary to carry out storm water management programs included in Augusta-Richmond County's NPDES storm water permit.

(d) The application of this chapter and the provisions expressed herein shall be the minimum storm water management requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute. In addition, if site characteristics indicate that complying with these minimum requirements will not provide adequate designs or protection for local property or residents, it is the designer's responsibility to exceed the minimum requirements as necessary.

§ 5-1-6. POWERS OF THE DEPARTMENT OF PUBLIC WORKS.

(a) The department of public works shall have the power to administer and enforce all regulations and procedures adopted to implement this chapter, including the right to maintain an action or procedure in any court of competent jurisdiction to compel compliance with or to restrain any violation of this chapter.

(b) The department of public works shall:

(1) Administer, coordinate and oversee acquisition, design, construction, and operation and maintenance of municipal storm water facilities and conveyances;

(2) Establish or oversee establishment of development standards and guidelines for controlling storm water runoff,

(3) Determine the manner in which storm water facilities should be operated;

(4) Inspect private systems which discharge to the Richmond County's storm water system;

(5) Advise the Augusta-Richmond County Commission and other Augusta-Richmond County departments on issues related to storm water;

(6) Protect facilities and properties controlled by the Department of Public Works and prescribe how they are used by others;

(7) Require new, increased, or significantly changed storm water contributions to comply with the terms of this chapter.

(8) Develop programs or procedures to control the discharge of pollutants into the municipal storm sewer system; and,

(9) Adopt and implement the storm water management program for Augusta-Richmond County.

§ 5-1-7. STORM WATER RUNOFF QUANTITY CONTROLS.

(a) Water quantity controls will be provided as a part of all development pursuant to the provisions of the Augusta-Richmond County Soil Erosion and Sediment Control Ordinance, Zoning Ordinance, Water and Wastewater Disposal Ordinance, and Subdivision of Land Ordinance, and regulations adopted pursuant to those ordinances.

(b) Augusta-Richmond County may allow storm water runoff that otherwise is of unacceptable quantity or which would be discharged in volumes or at rates in excess of those otherwise allowed by its ordinances and regulations to be discharged into drainage facilities off site of the development, provided the following conditions are met:

(1) It is not practicable to completely manage runoff on-site in a manner that meets the design and performance standards found in the ordinances and regulations.

(2) Off-site drainage facilities and channels leading to them are designed, constructed and maintained in accordance with requirements of those ordinances; and,

(3) Adequate provision is made for sharing of construction, maintenance and operating costs of facilities.

§ 5-1-8. PROHIBITION.

(a) It is unlawful for any person to throw, drain, run, or otherwise discharge to any component of the municipal separate storm water system or to cause, permit or suffer to be thrown, drained, run, or allow to seep or otherwise discharge into such system all matter of any nature excepting only such storm or surface water as herein authorized.

(b) The director may require controls for or exempt from the prohibition provision above the following, provided he/she determines they are not a significant source of pollution:

(1) Unpolluted industrial cooling water, but only under the authorization and direction of the director and appropriate NPDES permit. (Per State requirements, the discharge should not raise the temperature of the receiving stream more than five (5) degrees after the discharge has thoroughly mixed with receiving waters. In secondary trout streams, there shall be no elevation in temperature exceeding two (2) degrees above the natural stream temperature).

(2) Water line flushing performed by a government agency, diverted stream flows, rising ground waters, and unpolluted ground water infiltration.

(3) Unpolluted pumped ground water.

(4) Discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, and street wash water.

(5) Discharges or flows from fire fighting.

(6) Other unpolluted water.

(c) In the event of an accidental discharge or an unavoidable loss to the municipal storm sewer system of any material or substance other than storm water runoff, the person concerned shall inform the department of public works within twenty-four (24) hours of the nature, quantity and time of occurrence of the discharge. The person concerned shall take immediate steps to contain the waste, treat the waste or other actions to minimize affects of the discharge on the municipal system and receiving streams. The person shall also take immediate steps to ensure no recurrence of the discharge.

§ 5-1-9. ILLICIT CONNECTIONS.

(a) It is unlawful for any person, to connect any pipe, open channel, or any other conveyance system that discharges anything except storm water or unpolluted water which is approved by the director, based on the exemptions listed in § 5-1-8(b), to Augusta-Richmond County's storm water system.

(b) Improper connections in violation of this Code must be disconnected and redirected, if necessary, to the Augusta-

Richmond County sanitary sewer system upon approval by the director of the water and sewer department.

§ 5-1-10. MAINTENANCE AND INSPECTION.

(a) Any storm water management facility or BMP which services a single lot or commercial and industrial development shall be privately owned and maintained. The owner shall maintain a perpetual, nonexclusive easement which allows for access for maintenance.

(b) All other storm water management control facilities and BMPs shall be publicly owned and/or maintained only if accepted for maintenance by Augusta-Richmond County.

(c) The director may require dedication of privately owned storm water facilities which discharge to the storm water system to Augusta-Richmond County.

(d) The department of public works director shall determine inspection schedules necessary to enforce the provisions of this chapter.

(e) The director or designee, bearing proper credentials and identification shall be permitted to enter, without hindrance, all properties for regular inspections, periodic investigations, observation, measurement, enforcement, sampling and testing, in accordance with provisions of this chapter. The director or designee shall duly notify the owner of said property or the representative on site, except in the case of an emergency.

(f) The director or designated employee of the department of public works, bearing proper credentials and identification, shall be permitted to enter, without hindrance, all properties for which Augusta-Richmond County holds a negotiated easement for repairs, maintenance and other purposes related to any portion of the storm water management facilities lying within said easement. The director or designee shall duly notify the owner of said property or the representative on site, except in the case of an emergency.

(g) Measurements, tests and analyses performed by the department of public works or required of any discharger to the municipal system shall be in accordance with 40 CFR Part 136, unless another method is approved by the director.

(h) If, after inspection, the condition of a facility presents any immediate danger to the public health, safety or general welfare because of unsafe conditions or improper maintenance, Augusta-Richmond County shall have the right, but not the duty, to take action as may be necessary to protect the public and make the facility safe.

(i) Inspection reports shall be maintained in a permanent file located at the department of public works office for a period of three (3) years. All such records shall be open to the public.

§ 5-1-11. VARIANCES FOR REQUIREMENTS.

(a) The director may grant a variance from requirements of this chapter if exceptional circumstances applicable to a site exist such that strict adherence to the provisions of this chapter will result in unnecessary hardship and will not fulfill the intent of this chapter.

(b) A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, a variance should be granted. The request shall include all information necessary to evaluate the proposed variance.

(c) The director will conduct a review of the request for a variance within thirty (30) working days of receiving the request.

§ 5-1-12. APPEALS.

(a) Any person aggrieved by a decision of the director (including any decision with reference to the granting or denial of a variance from the terms of this chapter) may appeal same by filing a written notice of appeal with the director within ten (10) days of the issuance of said decision by the director. A notice of appeal shall state the specific reasons why the decision of the director is alleged to be in error.

(b) The director may reverse his/her decision giving written reason for reversal. In the event the director does not reverse his/her decision, the director shall prepare and send to the board of appeals and appellant a written response to said notice of appeal within thirty (30) days of receipt of the notice of appeal.

(c) All appeals shall be heard by a board of appeals to be constituted of the county administrator, the director of inspections, and the Director of the Augusta-Richmond County Planning and Zoning Commission. The hearing shall be held within thirty (30) days after receipt of notice of appeal or on a date mutually agreed upon in writing by the appellant and the board of appeals. The board of appeals shall then make its finding within ten (10) days of the appeal hearing. Decisions of the board of appeals shall be based upon guidelines for appeals established by the Augusta-Richmond County Commission as amended from time to time.

(d) If the appellant is dissatisfied with the decision of the board of appeals, he/she can appeal said decision to the Augusta-Richmond County Commission within thirty (30) days of the hearing decision being rendered to appellant. The Commission shall notify appellant of a time and place for hearing the appeal, and said time shall be within thirty (30) days of receipt of notice from appellant. The Commission shall make a finding on the appeal within ten (10) days of the hearing.

(e) If the appellant is dissatisfied with the Commission's decision, he/she can appeal said decision to the Superior Court of Richmond County within thirty (30) days of the date of that decision. Said appeal shall consist of a review of the record in the appeal process.

§ 5-1-13. COOPERATION WITH OTHER GOVERNMENTS.

Augusta-Richmond County may enter into agreements with the State of Georgia or with other local governments to carry out the purpose of this chapter. These agreements may include, but are not limited to enforcement of provisions, resolution of disputes, cooperative monitoring, and cooperative management of storm water system and management programs.

§ 5-1-14. PROPERTY OWNER LIABILITY; SUPPLEMENTAL CHARGES.

Any person in violation of any portion of this chapter shall pay for all costs of Augusta-Richmond County associated with the violation, including (but not limited to) containment, cleanup, injury, death, legal, or other costs.

§ 5-1-15. ENFORCEMENT; PENALTIES.

(a) This chapter shall be enforced by the office of the director of public works. Citations for violation may be issued by inspectors from the department of public works. Citation shall specify the nature of violation and the potential penalty involved.

(b) Any person, cited for violating this chapter shall be tried as a misdemeanor and shall upon conviction, shall be subject to the penalties provided in § 1-6-1.

(c) In addition, Augusta-Richmond County may institute appropriate action or proceedings at law or in equity for the enforcement of this chapter or to correct violations of this chapter. Any court of competent jurisdiction may have the right to

issue restraining orders, temporary or permanent injunctions, and other appropriate forms of remedy or relief. Each day of noncompliance is considered a separate offense. Nothing herein contained shall prevent Augusta-Richmond County from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief.

§ 5-1-16. SEVERABILITY.

If any term, requirement or provision of this chapter or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this chapter or the application of such terms, requirements and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term, requirement or provision of this chapter shall be valid and be enforced to the fullest extent permitted by law.

§ 5-1-17. PRIOR INCONSISTENT ORDINANCES.

Any provisions and ordinances adopted prior to the date of adoption of this chapter and that are inconsistent with this chapter are hereby voided, but only to the extent of such inconsistency.

CHAPTER 2

WATER AND SEWERS

ARTICLE 1

IN GENERAL

§ 5-2-1. STANDARD AND SPECIAL WATER SERVICE.

The standard water service shall consist of a one inch tap and service pipe with a five-eighths inch meter. Any larger service than this shall be considered special.

§ 5-2-2. WHO MAY RENEW SERVICES, MOVE CURB STOPS, ETC.

No person other than waterworks workmen shall renew any service or move any curb stop or meter, or meter box, except by written permission of the Director of Public Utilities.

§ 5-2-3. WATER AND SEWER LINES IN SAME DITCH.

Water and sewer lines may be laid in the same ditch.

§ 5-2-4. USE OF PIPES PREVIOUSLY RUN TO THE CURB.

In putting in a water or sewer service, no plumber will be permitted to make use of pipe previously run to the curb which does not conform to rules existing at the time such service is to be used, but before making such connections, the plumber or owner shall first get the utilities department either to reject or consent to such connection. If rejected, the owner will be required to have it changed at his expense, and if an entirely new service shall be put in, the old one shall be disconnected at the main at the expense of the owner before water is turned on to the new service.

§ 5-2-5. COMPLIANCE WITH PLUMBING CODE, ETC., AND PAYMENT OF INSPECTION FEES PREREQUISITE TO INTRODUCTION OF WATER.

Water will not be introduced into any premises where fixtures do not meet the requirements of the plumbing code and other ordinances of Augusta-Richmond County relative to plumbing or where inspection fees have not been paid.

§ 5-2-6. WHEN SEWER CONNECTIONS REQUIRED.

Where property may be served by a sanitary sewer, every building shall be connected thereto. If there should be more than one building on the property, each building shall be connected separately to the sewer if the number of fixtures in all buildings exceeds ten (10). The word *fixture* as used herein shall mean any water appliance emptying into the sewer. [§ 5-2-74]

§ 5-2-7. WHO MAY TAP MAINS AND PIPES, RUN SERVICE LINES, ETC.

Water and sewer mains and pipes shall be tapped and necessary curb stop, meter and meter boxes set by the waterworks employees and by no other person whatsoever. Any person not a waterworks employee and without a permit from the Augusta-Richmond County water and sewerage department, who so taps, sets, or tampers with any water main or pipe, or permits such activities to take place on property owned or rented by him, or uses water obtained from such unauthorized connections, or supplies water through such unauthorized connections, shall be punished as provided herein.

§ 5-2-8. RESELLING OR DISTRIBUTING WATER PROHIBITED.

No water shall be resold or distributed by the recipient thereof from the pipes or meters serving water from the Augusta-Richmond County water system to any premises other than that for which an application has been made for a water meter and the meter installed.

§ 5-2-9. NOTICE OF LEAKING FIXTURES.

Notice of leaking fixtures shall be sent to the property owner or his agent, where the address of such owner or agent is known. Otherwise, notice shall be sent to the tenant who shall be instructed by the owner or agent to give him notice personally of any such leaking fixture.

§ 5-2-10. INSTALLATION, ETC., OF METERS--GENERALLY.

It shall be in the authority and discretion of the Augusta-Richmond County Commission to require meters of such style and character as it may approve, to be put, at any time, in the service pipes of railroad companies, mills, manufactories and other industrial establishments, public buildings, hotels, etc., at the expense of the party for whose use they are applied, and if furnished in any case by Augusta-Richmond County, the cost of such meter shall be collected from the party using the same before the use of water is permitted. The care and repair of meters shall be at the expense of parties using the same.

§ 5-2-11. WHERE METER SERVICE REQUIRED.

A meter service shall be required for each premises utilizing Augusta-Richmond County water. No person, whether owner or tenant, receiving water supplied from Augusta-Richmond County through a meter approved for their premises shall supply any other, separate premises with water. *Premises* shall mean each separate house, building, trailer, mobile home, manufactured home or similar structure, whether or not located on the same tract of land. Any person supplying another with water in violation of this section shall have his water turned off until such unauthorized use of water is stopped and he shall have paid to Augusta-Richmond County any charges the Director of Public Utilities may determine to be due for water used in violation of this section and for the expense of cutting off and restoring water service.

§ 5-2-12. WATER OBTAINED THROUGH FALSE PRETENSES.

If water has been supplied to any premises, and afterwards it shall be found that false representation has been made by such applicant, or that water is being used in or upon the premises for purposes not set forth in the application made for water supply to the premises, the water shall be shut off, and shall remain shut off, until all unauthorized use of water has been stopped, and any sum of money determined due for the use thereof has been paid to Augusta-Richmond County.

§ 5-2-13. UNAUTHORIZED TURNING ON OR OFF OF WATER, TAMPERING WITH METERS, ETC.

It shall be unlawful for any person other than duly authorized employees of Augusta-Richmond County to turn on or turn off water, or tamper with meters or curb stops, without permission.

§ 5-2-14. USE OF WATER FROM FIRE HYDRANT FOR PURPOSES OTHER THAN FIRE EXTINGUISHMENT.

Permit required. Any person desiring to use water from any fire hydrant or other public water opening for any purpose except for the extinguishment of fires shall make application for the use of water from such fire hydrant or other public water opening to the superintendent of the court water and sewerage system. All water so used shall be supplied through a portable meter at regular meter rates.

§ 5-2-15. COVERING TOPS OF METER BOXES.

It shall be unlawful for any person to willfully, maliciously or carelessly cover the tops of meter boxes belonging to the utilities department with dirt, rocks or debris, so as to hide such meter boxes from view or render same difficult of access.

§ 5-2-16. AUGUSTA-RICHMOND COUNTY TO KEEP METERED SERVICES IN REPAIR; LIABILITY OF PROPERTY OWNER FOR DAMAGE.

After payment of charges for metered services by the property owner, Augusta-Richmond County will keep the same in repair and make replacements when necessary without further cost, except as otherwise provided in this article. The property owner shall be liable, however, for any damage to a meter caused by hot water from a boiler or range tank backing out into the main, or any damage caused by himself, his family, employees or occupants of the property.

§ 5-2-17. REDUCTION IN SIZE OF METER.

If Augusta-Richmond County is requested to reduce the size of meter, for example, from three-fourths inch to five-eighths inch, no refund will be allowed on the larger meter. Any special fittings used in making the change shall be paid for by the property owner.

§ 5-2-18. CHANGE OF LOCATION OF METER.

The moving of a water meter serving one property to another location to serve another property shall not be allowed except with

permission of the Director of Augusta-Richmond County Utilities Department, and only then upon the receipt by the Director of Augusta-Richmond County Utilities Department of a release in written form of the obligation to serve the property from which the meter is removed. A renewal of such abandoned service shall be paid for at the rate set out for new services.

§ 5-2-19. REMOVING, ETC., METERS, VALVES AND OTHER APPURTENANCES OF UTILITIES.

It shall be unlawful for any unauthorized person to remove, alter, tamper with or in any way interfere or intermeddle with any of the wells, reservoirs, basins, water mains, pipes, plugs, meters, valves, curb cocks or other appurtenances of the utilities.

§ 5-2-20. CURB STOPS--GENERALLY; LAWN AND YARD HYDRANTS.

(a) All persons taking Augusta-Richmond County water shall provide a brass curb stop, ground from bottom, with water pressure under core, similar to Mueller make, or its equal, to be approved by the Director of Augusta-Richmond County Utilities Department, fitted with a tee handle extension rod with pipe casing. The handle shall be not less than eight inches across, easily accessible to occupants, and at such point that all water may be drained out of the pipes for the protection of such occupants in enabling them to turn off water in case of leaks, and to drain the pipes inside to prevent freezing, which should be fully explained to occupants by the plumber doing the work, when possible. These curb stops shall be so placed as to accomplish the purpose for which they are designed. They shall be placed at a point where they will never freeze. All the service pipe between the curb stop and curb shall be laid so that it will not be exposed to frost. This section shall apply to yard hydrants as well as house service pipes.

(b) The curb stops shall not be put in an inaccessible place. This rule will require pipes to be run down outside of cellar walls, and come in under the wall at least six inches below the cellar floor. Draincocks shall be put in pipes to drain them when traps are unavoidable.

(c) Yard hydrants may be placed in yards of residences without pipes being extended into the house, but shall not be placed in unenclosed premises, or where there is access to them by persons occupying adjoining premises, either on the sides, rear or front, except by special permit from the Director of Augusta-Richmond County Utilities Department.

(d) A separate curb stop shall be required on a branch to lawn or yard hydrants. Key-top cocks will be allowed in exposed places on lawns. When the consumer desires to discontinue use of a lawn or yard hydrant, the plumber will be required to disconnect the full run of pipe back to the connection with the main run of pipe.

§ 5-2-21. CURB STOP REQUIREMENTS; CURB STOP BOX.

A curb stop with a round waterway shall be inserted in each service or supply pipe to premises in every case, and shall be protected by an iron box to be supplied by the utilities department at the expense of the owner of the premises. It shall be unlawful for any person to put in any curb stop box other than that furnished by the utilities department.

§ 5-2-22. DUTY OF PERSONS TAKING WATER AS TO SERVICE PIPES AND FIXTURES.

All persons taking Augusta-Richmond County water shall keep their own service pipes and all fixtures connected therewith in good repair and protected from frost, at their own expense.

§ 5-2-23. CHANGE IN LOCATION OF FIRE HYDRANT, ETC.

If it becomes necessary to change the location of any fire hydrant or other fixture of the utilities system at the request and for the convenience of a property owner or tenant, the cost of labor and material, plus twenty per cent, shall be charged for such work; provided, that the change or removal has the approval of the Director of Augusta-Richmond County Utilities Department and has

been applied for in writing.

§ 5-2-24. LIABILITY OF PLUMBER NOT PROPERLY REPLACING CURB STOP BOX OR INJURING PROPERTY.

Should any plumber, in making an attachment, or in shutting off or in turning on water, not properly replace the curb stop box, or should he in any manner injure the property of the utilities department, or property owner, he shall pay the sum of such damage, and upon refusal to pay same, he shall be refused any plumbing permit until such bill is paid.

§ 5-2-25. FIRE PROTECTION SERVICE--GENERALLY.

Fire protection service shall be put in such manner that all pipes will be open and easily accessible for inspection at any time. No connection for any other purpose whatever will be permitted with fire service, and all existing connections with fire systems designed for any purpose shall be disconnected.

§ 5-2-26. SAME--AIR PRESSURE TANKS FOR DRY SYSTEMS.

Service tanks to furnish air pressure for dry systems shall be connected with a metered service and not with fire service.

§ 5-2-27. USE OF WATER FROM PUBLIC WATER OPENINGS.

Any person desiring to use water from any fire hydrant or other public water opening for any purpose except the extinguishment of fires shall make application for the use of water from such fire hydrant or other public water opening to the Director of Augusta-Richmond County Utilities Department or his designee. All water so used shall be supplied through a portable meter at regular meter rates, unless authorized by the Director.

§ 5-2-28. PERMITTING WASTE OF WATER.

Any water tenant who shall let the water from his hydrant or other fixtures run to waste or any other person who shall cause a waste of water from the utilities department shall be punished as provided in herein. Any water tenant who permits such waste to exist, after being so fined, shall also be liable to have the water shut off upon twenty-four hours' notice, until the proper repairs have been made at such tenant's expense. Where the water supply is shut off as herein provided, the water shall not again be turned on until all water bills and the cost of shutting off and turning on the water shall have been paid.

§ 5-2-29. INJURING, OBSTRUCTING, ETC., HOUSES, PIPES, FIREPLUGS, ETC., PERTAINING TO UTILITIES DEPARTMENT.

It shall be unlawful for any person to use a pipe wrench on the stem of a fire hydrant, to injure any house, wall, bank, fence, bridge, pipe, curb stop, fireplug or other fixtures pertaining to the Augusta-Richmond County utilities department, or to obstruct the passage thereto, or in any way prevent the proper use thereof. Any person violating this section shall be liable for the expense of repairing any damage done, and shall be punished as provided in herein.

§ 5-2-30. TRESPASS AT RESERVOIR, ETC.

It shall be unlawful for any unauthorized person to be within the fence enclosing the reservoir and basin, or within the fence enclosing the pumping station, at any time.

§ 5-2-31. BATHING IN, THROWING ARTICLES INTO, OR WASHING DOGS, CLOTHES, ETC., IN RESERVOIRS.

It shall be unlawful for any person to bathe in any of the basins or reservoirs of the utilities department of Augusta-Richmond County or to throw or deposit anything whatever therein or to wash any dog, clothes or anything in the waters thereof.

§ 5-2-32. OPENING CURB COCK.

It shall be unlawful for any person to open any curb cock found closed without permission from the Director of Augusta-Richmond County Utilities Department.

§ 5-2-33. INTERFERENCE WITH WATER SUPPLY FOR EXTINGUISHING FIRES.

It shall be unlawful for any person to interfere in any way with the supply of water for the extinguishing of fires.

§ 5-2-34. LEAVING VALVE CLOSED OR IN BAD ORDER.

It shall be unlawful for any person, permitted by the Director of Augusta-Richmond County Utilities Department to shut down any valve, to leave such valve closed or in bad order without reporting the same to the Director of Augusta-Richmond County Utilities Department.

§ 5-2-35. INSTALLATION OF WATER SERVICES PRIOR TO PAVING STREETS.

The owners of all vacant lots or lots without water services abutting on a street of Augusta-Richmond County which is to be paved shall be given thirty days' written notice by the engineering or public utilities department that such street is to be paved. Within such thirty-day period the property owners shall have installed all water services required to serve their property, and if they shall fail to do so the Commission may:

(a) Do all work required to serve such properties without thereafter causing a cut to be made in the pavement and charge the cost thereof to the property owner and enforce the same by lien upon such property and execution to be issued thereon; or

(b) Refuse to cut such pavement to install such water services and connections for a period of five years from the date of the completion of the pavement except in extreme cases of emergency.

§ 5-2-36. ACCEPTANCE OF WATER MAINS IN SUBDIVISIONS.

It shall be unlawful for the Commission or any committee thereof to accept as a part of the water works system of Augusta-Richmond County any subdivision having water mains running through such subdivision that are less than six inches in diameter; except that water mains installed in dead-end roads or streets, also known as cul-de-sacs, may be less than six inches in diameter, subject to the approval of the Director of Augusta-Richmond County Utilities Department.

§ 5-2-37. POLICE POWERS OF CERTAIN EMPLOYEES.

The superintendent and assistant superintendents of the pumping station and the filter plant are each vested with the full power of a law enforcement officer in the enforcement of the provisions of all laws, rules and regulations applicable to any portion of the public utilities, or to the grounds around the same.

§ 5-2-38. REFUSAL TO ADMIT PUBLIC UTILITIES PERSONNEL TO MAKE INSPECTIONS.

It shall be unlawful for any person to refuse to admit the authorized employees of the utilities department to his premises for inspection of water supply or appliances.

§ 5-2-39. RULES AND REGULATIONS AS TO PUBLIC UTILITIES.

The Director of Augusta-Richmond County Utilities Department is authorized to make such rules and regulations with reference to the public utilities and the use of water therefrom as he may deem expedient.

ARTICLE 2

RATES AND CHARGES

§ 5-2-41. PAYMENT OF CHARGES PREREQUISITE TO MAKING CONNECTIONS, ETC.

No connection or tap shall be made or water or sewer service installed until proper payment of charges has been made and deposited with Augusta-Richmond County. Such deposit or payment shall include all water connection charges, sewer connection charges and plumbing fees, the intention of this section being that all charges of whatsoever nature shall be paid before any of the work above set out is done, unless the house to be served cannot be served by a sewer main, in which case no charge shall be made for sewer connection but all other charges as set out shall be paid. Water connections shall not be made until proper payment is made for sewer connection where the sewer is available.

§ 5-2-42. CHARGES AND USE OF WATER AND SEWER MAIN REGULATIONS.

The Commission shall from time to time establish charges, rates and regulations through ordinances for the use of the water and sewer mains of Augusta-Richmond County.

§ 5-2-43. APPLICATION FOR USE OF WATER AND MANNER OF BILLING--GENERALLY.

Application for the use of water on any premises shall be made by the property owner or his agent, who shall sign the form of agreement prescribed by the Director of Augusta-Richmond County Utilities Department. Meters will be read and bills rendered once each month to the person designated in the agreement.

§ 5-2-44. MEASUREMENT BY METERS.

All water furnished from Augusta-Richmond County mains shall be, except as provided in § 5-2-50, paid for by meter measurement.

§ 5-2-45. SCHEDULE OF WATER AND SEWER RATES AND MINIMUM CHARGES.

(a) Effective September 1, 1996, the following rates for water and sewer are established for the Augusta-Richmond County Consolidated Water and Sewer System:

RESIDENTIAL RATE STRUCTURE:

<u>Meter Size</u>	<u>Water</u>	<u>Sewer</u>
<u>ALL METERS</u> <u><3kgal</u>	<u>\$ 8.00</u>	<u>\$ 6.70</u>
<u>ALL METERS</u> <u>>3kgal</u>	<u>\$ 5.53 + \$</u> <u>0.76/kgal</u>	<u>\$ 9.40 + \$</u> <u>0.87/kgal</u>

COMMERCIAL (NON-RESIDENCE) RATE STRUCTURE:

<u>Meter Size</u>	<u>Water</u>	<u>Sewer</u>
5/8" 3/4"	\$ 6.00 + \$0.97/kgal	\$ 9.90 + \$1.10/kgal
1"	\$ 8.50 + \$0.97/kgal	\$ 14.15 + \$1.10/kgal
1-1/4" & 1-1/2"	\$ 14.10 + \$0.97/kgal	\$ 23.65 + \$1.10/kgal
2"	\$ 20.25 + \$0.97/kgal	\$ 34.15 + \$1.10/kgal
3"	\$ 33.90 + \$0.97/kgal	\$ 57.50 + \$1.10/kgal
4"	\$ 49.10 + \$0.97/kgal	\$ 83.80 + \$1.10/kgal
6"	\$ 82.80 + \$0.97/kgal	\$ 140.80 + \$1.10/kgal
8"	\$ 120.10 + \$0.97/kgal	\$ 204.40 + \$1.10/kgal
10"	\$ 160.40 + \$0.97/kgal	\$ 273.25 + \$1.10/kgal
12"	\$ 208.15 + \$0.97/kgal	\$ 346.05 + \$1.10/kgal
00	\$ 8.50 + \$0.97/kgal	\$ 14.15 + \$1.10/kgal

(b) The monthly residential sewer rate shall be charged based on the average water usage for that address from the previous December, January and February billing cycles.

(c) In cases where a December, January and February consumption is not previously established for that address, the monthly residential sewer charge shall be the lesser of \$15.50, or the amount calculated for actual water usage for that month.

(d) The rate for wastewater from co-generation facilities is established at the rate of \$1.25/kgal. Effective April 1, 2002, and annually thereafter, the rate for wastewater from co-generation facilities as set forth in this section shall be adjusted equal to the percentage increase in the Consumer Price Index (CPI) for all Urban Consumers for the South Region. (Ord. # 6441, December 3, 2001)

(e) The rates for water and sewer set forth in this section shall be adjusted as established in the budget adopted by the Augusta-Richmond County Commission for such year or as set in a resolution duly adopted as a part of financing for improvements to the water and sewer system. Any change in the rate shall be effective on April 1 of each year following adoption of such budget or resolution.(Ord. # 6298, August 15, 2000)

§ 5-2-46. CHARGES WHEN METER SUPPLIES HOUSES OF DIFFERENT OWNERSHIP.

If a meter supplies a house of different ownership than the house from the address of which the meter is installed, it shall carry a minimum charge for each such house, as provided in § 5-2-45. The charges for water used through such meter shall be collected from the consumer at the address at which the meter is installed.

§ 5-2-47. MINIMUM CHARGE WHEN TWO OR MORE HOUSES ARE ON THE SAME METER.

RESERVED.

§ 5-2-48. ASSESSMENTS AGAINST TENEMENTS; SUPPLY OF WATER TO TWO OR MORE FAMILIES THROUGH SAME SERVICE PIPE.

Water supplied to tenement houses, that is, houses wherein two (2) or more families reside, shall be assessed against the owner of such property as follows, that is to say, each tenement separately. In case two (2) or more parties or families are supplied with water from the same service pipe, if either of the parties fails to pay the water rent when due, or to comply with the rules of the utilities department, the water will be turned off from such pipe until the rent is paid or the rules are complied with.

§ 5-2-49. EFFECT OF FAILURE TO PAY BILLS WHEN DUE; FEES IN CONNECTION WITH CUT-OFF AND/OR UNAUTHORIZED OBTAINING OF WATER; REMOVAL OF DEAD METERS.

(a) Each and every bill for water consumed shall be subject to a penalty of ten per cent (10%) if not paid by the penalty date shown on the bill.

(b) If any bill is not paid by the shut off date established for said bill by the Augusta-Richmond County Utilities Department, the water will be shut off until all arrears are paid.

The water will not be turned on until all arrears are paid together with a delinquent fee of twenty-five dollars (\$25.00) for cutting on and off.

In cases where shutting off water would be contrary to special health needs at the customer's site or would severely impact the conduct of business at a customer's site; the Utilities Department may opt not to shut off the water. A notice of a shut off date or a proposed shut off date will be hand delivered to the customer and the twenty-five dollar (\$25.00) delinquent fee will be added

to the bill.

(c) Where water has been cut off due to nonpayment, but is being received through tampering with the water meter, a fee of sixty-five dollars (\$65.00) will be charged to the account in connection with the Augusta-Richmond County Utilities Department's placing of a locking device on the water meter. This fee will be in addition to any other fee previously assessed.

(d) Where a locking device placed on a water meter has been broken or otherwise made ineffective, a fee of one hundred five dollars (\$105.00) will be charged to the account in connection with the Augusta-Richmond County Utilities Department's removal of the water meter. This fee will be in addition to any other fee previously assessed.

(e) Where a water meter has been removed and water is being obtained through an unauthorized meter or "straight line", a fee of one hundred twenty-five dollars (\$125.00) will be charged to the account in connection with the Augusta Utilities Department's removal of the unauthorized meter or "straight line". This fee will be in addition to any other fee previously assessed.

In addition, the responsible party may be cited with a violation of this Code and subject to punishment as provided in Code § 1-6-1. Any additional costs or fines ordered by the Court would also be required to be paid prior to restoration of service. (Ord. # 6045, June 2, 1998)

§ 5-2-50. ADJUSTMENT OF EXCESSIVE BILLS CAUSED BY LEAKING FIXTURES--GENERALLY.

In cases of a bill deemed excessive, the utilities department, on complaint or request of the property owner or his agent or tenant, will make an investigation of the plumbing. This section shall not apply to minimum charge bills and shall not apply to property occupied by the owner.

§ 5-2-51. SAME--PLUMBER'S CERTIFICATE OF REPAIRS PREREQUISITE TO REDUCTION IN WATER BILL.

No reduction shall be made in any water bill until the manager, public utilities sales, has received a certificate from a licensed plumber certifying that repairs have been made to water works, plumbing fixtures or piping upon or leading to the property served by the meter whose reading furnishes the basis of such water bill, and that such repairs have been completed so that leaks in any such fixtures or piping no longer exist.

§ 5-2-52. SAME--AUTHORITY OF MANAGER, PUBLIC UTILITIES SALES, TO REDUCE WATER BILL.

Upon receipt by the manager, public utilities sales, of a plumber's certificate issued in accordance with the preceding section, he shall have the authority to reduce the water bill to which such certificate relates in such an amount as may appear to him to be appropriate under the circumstances.

§ 5-2-53. SAME--SPOT-CHECKS OF PLUMBERS' CERTIFICATES.

It shall be the duty of the plumbing inspector to spot-check such plumbers' certificates as are received by the utilities department, in accordance with instructions from the manager, public utilities sales, who shall cause such spot-checks to be made with sufficient frequency to make the provisions of §§ 5-2-51 to 5-2-54 effective.

§ 5-2-54. SAME--REPAIRS TO BE MADE BEFORE ISSUANCE OF PLUMBERS' CERTIFICATES.

It shall be unlawful for any person engaged in the plumbing business to issue any certificate certifying that repairs or replacements have been made to any water works, plumbing fixtures or piping in Augusta-Richmond County until the repairs certified to in such certificate have been made and completed. When the manager, public utilities sales, receives confirmation

satisfactory to him that any person has issued a plumber's certificate without having first made and completed the repairs as shown on such certificate, he shall cause such person to be prosecuted for violation of this section. Conviction of such person may result in the revocation of his plumbing license in addition to any other penalty that may be imposed.

§ 5-2-55. HOW WATER RENTS TO BE COLLECTED; DEFAULTS.

Water charges shall be collectible from the property owner or his agent, and upon default for the period prescribed the water shall be shut off from the premises, and shall not be furnished until all sums due for the water shall have been paid.

§ 5-2-56.-- § 5-2-69. RESERVED.

ARTICLE 3

SEWERS

§ 5-2-70. SEWER ASSESSMENT CHARGES--GENERALLY.

(a) An assessment shall be made for the privilege of connecting or continuing connections of premises within Augusta-Richmond County with the sanitary sewer system of Augusta-Richmond County and upon the use of the sanitary sewer system of the Commission by persons residing within Augusta-Richmond County.

(b) The assessment charge for this privilege and use shall be made against the person in whose name the water meter serving the premises for which the charge is made is listed upon the records of the utilities department of Augusta-Richmond County.

(c) Effective September 1, 1996, the rates for sewer are established for as set forth in § 5-2-45.

(d) Where Augusta-Richmond County water is available, no connection to the sanitary sewer system of the Commission shall be made or permitted until the consumer is supplied with water from the water system of the Commission.

(e) Where the sanitary sewer system of the Commission is accessible and Augusta-Richmond County water is not available, the assessment charge for the residential use of the sanitary sewer system of the Commission will be eight dollars and thirty cents (\$8.30) per month. Any industrial user shall pay based upon the measured sewer in accordance with the rates set forth above.

(f) The assessment charge shall be shown upon the monthly water bill if there is one, otherwise for sewer charge only, and shall be paid and collected as water bills are paid and collected. All bills for such assessment charges shall be subject to a penalty of ten (10) percent if not paid by the expiration date shown on the bill.

(g) If any assessment charge is not paid within twenty (20) days from the date of the bill, water shall be shut off and sanitary sewer disconnected until arrears are paid, together with the additional fee for cutting on and off the water or reconnecting the sewer.

§ 5-2-71. SAME--SPECIAL COMMERCIAL OR INDUSTRIAL USERS.

(a) Where a person contributes industrial wastes to the sanitary system of Augusta-Richmond County, such person shall pay an

industrial waste surcharge in addition to any sewer service charges to defray the cost of treating the above "normal" strengths waste in the amount of \$0.14 per pound.

(b) The Commission as it may be constituted at the time shall have authority to negotiate and fix an assessment charge for any commercial or industrial user of water of the Commission for the manufacture of a product where the volume of water consumption would result in unjust sanitary sewer charges, except as may be prohibited by law.

ARTICLE 4

BACKFLOW PREVENTION AND CROSS-CONNECTIONS

§ 5-2-72. DEFINITIONS.

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings given herein unless more specifically defined within other sections of this Article. When not inconsistent with the content, words used in the present tense include the future tense, and words in the single number include the plural number. The word "shall" is always mandatory and not discretionary.

- (a) "Augusta" is a political subdivision of the State of Georgia that includes all of Richmond County.
- (b) "Public Water Supply" means the waterworks system furnishing water to Augusta for general use, excluding the area furnished water by the City of Hephzibah, and which supply is recognized as the public water supply by the Georgia Department of Natural Resources/Environmental Protection Division.
- (c) "Cross-Connection" means any physical connection whereby the public water supply is connected with any other water supply, whether public or private, either inside or outside of any building or buildings, in such a manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.
- (d) "Auxiliary Intake" means any piping connection or other device whereby water may be secured from a source other than that normally used.
- (e) "By-pass" means any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant or public water distribution system.
- (f) "Inter-connection" means any system of piping or arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir or other device which does or may contain sewage or other waste or liquid which is capable of importing contamination to the public water supply.
- (g) "Person" means any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

§ 5-2-73. PURPOSE.

The Augusta Utilities Department's Public Water Supply shall comply with Chapter 391-3-5-.13 of the Georgia Rules for Safe Drinking Water and PL 933-523 of the Federal Safe Drinking Water Act, Legally adopted by this Code, and which pertains to cross-connections, establishes an effective Policy and Procedures for Backflow Prevention By Containment Program to control these undesirable water uses.

§ 5-2-74. GENERAL PROVISIONS.

(a) No person shall cause a cross-connection, auxiliary intake, by-pass or inter-connection to be made or allow one to exist for any purpose whatsoever.

(b) Any person whose premises are supplied with water from the Augusta Public Water Supply, and who has also on the same premises a separate water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Director of the Augusta Utilities Department a statement attesting to the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes or interconnections. Such Statement shall also contain an agreement that no cross-connections, auxiliary intakes, bypass or interconnection will be permitted on the premises.

§ 5-2-75. INSPECTION.

(a) It shall be the duty of the Augusta Utilities Department to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved, and shall be established by the Director of the Augusta Utilities Department.

(b) The Director of the Augusta Utilities Department or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection in the Augusta Public Water Supply for the purpose of inspecting the piping system or systems thereof for cross-connections. On request, the owner or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

§ 5-2-76. OTHER INSTANCES WHERE PROTECTIVE DEVICES REQUIRED.

(a) Where the nature of use of the water supplied a premises by the Augusta Utilities Department's Public Water Supply is such that it is deemed:

(1) impractical to provide an acceptable air gap separation; or

(2) that the owner and/or occupant of the premises cannot or is not willing to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply; or

(3) that the nature and mode of operation within the premises are such that frequent alterations are made to the plumbing; or

(4) there is a likelihood that protective measures may be subverted, altered, or disconnected;

The Director of the Augusta Utilities Department, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be a shall be suitable for the service being protected and shall be of a type back-flow preventer approved by the Director of the Augusta Utilities Department as to the manufacture, model and size. The method of installation of the backflow protective devices shall be approved by the Director of the Augusta Utilities Department prior to installation and shall comply with the criteria set forth by the Augusta Utilities Department.

(b) The installation shall be at the expense of the owner or occupant of the premises.

(c) The Augusta Utilities Department shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the Director of the Augusta Utilities Department, or his designated representative.

(d) Water Service shall not be interrupted to test the device without the knowledge of the occupant of the premises.

(e) When the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where only one unit is installed and the continuance is critical, the Director of the Augusta Utilities Department shall notify in writing, the occupant of the premises of the plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel acceptable to the Director of the Augusta Utilities Department.

§ 5-2-77. SIGN REQUIREMENTS.

(a) The potable water supply made available on the properties served by the Augusta Utilities Department's Public Water Supply shall be protected from possible contamination as specified herein.

(b) Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

W A T E R U N S A F E

F O R D R I N K I N G

(c) Minimum acceptable sign shall have black letters one-inch high located on a red background.

§ 5-2-78. TIMEFRAME FOR COMPLIANCE.

Any person who now has cross-connections, auxiliary intakes, by-passes, or interconnections in violation of this policy shall be allowed a reasonable time within which to comply with the provisions of this policy. After a thorough investigation or the existing conditions and a appraisal of the time required to complete the work the amount of time shall be designated by the Director of the Augusta Utilities Department.

§ 5-2-79. PENALTY.

Whenever any person neglects or refuses to comply with any of the provisions of this Article the Director of the Augusta Utilities Department shall discontinue the public water supply service at the premises upon which there is found to be a cross-connection, auxiliary intake, by-pass or inter-connection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or inter-connection has been discontinued.

§ 5-2-80. RIGHT OF DIRECTOR TO SEVER CROSS-CONNECTION.

Whenever the Augusta water supply is involved, and in the opinion of the Director of the Augusta Utility Department any cross-

connection endangers or potentially endangers the Augusta water supply, then the Director shall have the right to sever the cross-connection by shutting off the Augusta water supply.

§ 5-2-81. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid, unenforceable or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent, and severable provision and such holding shall not affect the validity of the remaining portions herein.

§ 5-2-82. PENALTY FOR VIOLATION OF ARTICLE.

Any person or persons failing to comply with the lawful provisions of this Article or any act prohibited hereby or failing to do any act mandated hereby shall be guilty of an offense and, upon trial as a misdemeanor and conviction, shall be subject to the penalties provided in § 1-6-1.

§ 5-2-83.--§ 5-2-109. RESERVED.

ARTICLE 5

WATER CONSERVATION RESTRICTIONS

§ 5-2-110. DEFINITIONS.

- (a) *Commercial.* Any type of building other than residential.
- (b) *Construction.* The erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.
- (c) *Residential.* Any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

§ 5-2-111. RESIDENTIAL STANDARDS.

On or after July 1, 1991, no construction may be initiated within Augusta-Richmond County for any residential building of any type which:

- (a) Employs a gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of one and six tenths (1.6) gallons of water per flush; however, this paragraph shall not be applicable to one-piece toilets until July 1, 1992.
- (b) Employs a shower head that allows a flow of more than an average of two and half (2.5) gallons of water per minute at sixty (60) pounds per square inch of pressure.
- (c) Employs a urinal that uses more than an average of one (1.0) gallon of water per flush.

(d) Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than two (2.0) gallons of water per minute.

(e) Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than two and half (2.5) gallons of water per minute.

§ 5-2-112. COMMERCIAL STANDARDS.

On or after July 1, 1992, there shall be no construction of any commercial building initiated within Augusta-Richmond County for any commercial building of any type which does not meet the requirements of subparagraphs (a) through (e) of § 5-2-103.

§ 5-2-113. APPLICABILITY.

The requirements of § 5-2-103 shall apply to any residential construction initiated after July 1, 1991, and to any commercial construction initiated after July 1, 1992, which involves the repair or renovation of or addition to any existing building when such repair or renovation of or addition to such existing building includes replacement of toilets or showers or both.

§ 5-2-114. EXEMPTIONS.

(a) New construction and the repair or renovation of an existing building shall be exempt from the requirements of §§ 5-2-111, 5-2-112 and 5-2-113 when:

(1) The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets or showerheads within such existing buildings; or

(2) When such plumbing or sewage system within such existing building, because of its capacity, design or installation, would not function properly if the toilets, faucets or showerheads required by this article were installed; or

(3) Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or

(4) Units to be installed are:

a. Specifically designed for use by the handicapped;

b. Specifically designed to withstand unusual abuse or installation in a penal institution; or

c. Toilets for juveniles.

(b) The owner, or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subsection (a)(2), (3) or (4) of this section shall obtain the exemption by applying at the office of the building inspector. A fee of fifty dollars (\$50.00) shall be charged for the inspection and issuance of such exemption.

§ 5-2-115. ENFORCEMENT; PENALTY.

(a) This article shall be enforced by the office of the building inspector and/or the License & Inspection Department. Citations for violations may be issued by the chief building inspector or any inspector authorized to do so by the director of such

departments.

(b) Any person, corporation, partnership or other entity violating this article shall be tried as a misdemeanor and upon conviction, shall be punished by a fine not to exceed one thousand dollars (\$1000.00) or imprisonment not to exceed sixty (60) days.

CHAPTER 3

WASTEWATER

§ 5-3-1. GENERALLY.

This chapter shall be known as the *Sewer Use Ordinance* of Augusta-Richmond County.

§ 5-3-2. DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(a) *Act*. The Federal Water Pollution Control Act of 1972, Public Law 92-500 as amended by the *Clean Water Act of 1977* and as may be amended from time to time (33 U.S.C. 1251, et seq.).

(b) *Administrative action*. An enforcement action authorized by the Control Authority's legal authority which is taken without the involvement of a court.

(c) *Administrative fine*. A punitive monetary charge unrelated to actual treatment costs which is assessed by the Control Authority rather than a court.

(d) *Administrative order*. A document which orders the violator to perform a specific act or refrain from an act. For example, the order may require users to attend a show cause meeting, cease and desist discharging or undertake activities pursuant to a compliance schedule.

(e) *Approval authority*. The State of Georgia, Department of Natural Resources, Environmental Protection Division. The Approval Authority is responsible for approval and oversight of Control Authority pretreatment programs, including an evaluation of the effectiveness of local enforcement.

(f) *Augusta-Richmond County Commission*. The Augusta-Richmond County Commission, the governing body of Richmond County, Georgia, a political subdivision of the state of Georgia or their authorized agents or employees.

(g) *Authorized representative of an industrial user*. Any one of the following:

(1) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having annual sales or expenditures exceeding \$25 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures, if the Industrial User is a corporation.

(2) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively.

(3) A duly authorized representative of the individual above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates and written authorization has been submitted to the Control Authority by the individual described in (1) or (2) above.

(h) *Biochemical Oxygen Demand (BOD)*. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade expressed in milligrams per liter.

(i) *Board of Health*. The Richmond County Board of Health or an authorized agent or representative.

(j) *Building Inspector*. The chief building inspector of Augusta-Richmond County or his authorized agent or representative.

(k) *Building sewer*. The extension from the building drain to the public sewer or other place of disposal, also called house connection.

(l) *Categorical Standards*. The National Categorical Pretreatment Standards or Pretreatment Standards.

(m) *CFR*. Denotes the Code of Federal Regulations.

(n) *cfs*. Cubic feet per second

(o) *Chain-of-Custody*. A written record of sample possession for all persons who handle (collect, transport, analyze, dispose of) a sample, including names, dates and times.

(p) *Chemical Oxygen Demand (COD)*. A measure of the oxygen required to oxidize organic and oxidizable inorganic compounds in water.

(q) *Combined sewer*. A sewer intended to receive both wastewater and storm or surface water.

(r) *Committee*. The Engineering Services Committee of the Commission of Augusta-Richmond County.

(s) *Community sewer*. Any public sewer containing wastewater from more than one premise.

(t) *Compatible pollutants*. BOD, suspended solids, pH, fecal coliform bacteria, ammonia, and such additional pollutants as are now, or may in the future, be specified and controlled in this Augusta-Richmond County's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

(u) *Compliance order*. An administrative order directing a noncompliant industry to achieve or restore compliance by a date specified in the order.

(v) *Compliance schedule*. A schedule of required activities (also called milestones) necessary for an Industrial User to achieve compliance with all pretreatment program requirements.

(w) *Composite sample (24-hour)*. The makeup of a number of individual samples, collected during a 24-hour period in which the portions of the sample are proportionate to the flow to represent the nature of wastewater or industrial wastes.

(x) *Contaminated nonprocess wastewater*. Any water which, during manufacturing or processing, comes into incidental contact with any raw material, intermediate product, finished product, by-product or waste product by means of (1) rainfall runoff; (2) accidental spills; (3) accidental leaks caused by the failure of process equipment, which are repaired within the shortest reasonable time not to exceed 24 hours after discovery; and (4) discharges from safety showers and related personal safety equipment: Provided, that all reasonable measures have been taken (i) to prevent, reduce and control such contact once it has occurred.

(y) *Control authority*. Augusta-Richmond County's Director of Utilities or his duly authorized representative or agent.

(z) *Conventional pollutants*. Pollutants described as BOD, suspended solids, pH, fecal coliform bacteria, Oil and Grease, Phosphorous, Total Kjeldahl Nitrogen and such additional pollutants as are now or may in the future be specified and controlled in Augusta-Richmond County's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

(aa) *Cooling water*. The water discharged from any use such as air conditioning, cooling, refrigeration or to which the only pollutant added is heat.

(bb) *Director of Utilities*. The individual employed in such capacity by the Commission; his duly authorized agent, deputy or representative.

(cc) *Discharge*. The discharge of a pollutant or the discharge of pollutants.

(dd) *Direct discharge*. The discharge of treated or untreated wastewater directly to the Waters of the State of Georgia.

(ee) *Discharge of a pollutant and discharge of pollutants*. Each means:

(1) Any addition of any pollutant or combination of pollutants to navigable waters from any point source, or

(2) Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft when being used as a means of transportation.

This definition includes discharges into waters of the United States from surface runoff which is collected or channeled by man; discharges through pipes, sewers or other conveyance owned by a state; municipality or other party that do not lead to treatment systems; and discharges through pipes, sewers or other conveyances, leading to treatment systems owned in whole or in part by a third party other than a state or municipality.

(ff) *Domestic sewage or normal sewage*. Any wastewater which is within the limits established by § 5-3-5 of this chapter, not exceeding the following parameters: BOD - 200 mg/l, TSS - 200 mg/l, Grease - 100 mg/l

(gg) *Emulsified grease*. Grease in a colloidal state such that it remains dispersed throughout the liquid and will not separate by gravity until the colloidal agent is inactivated.

(hh) *EPD*. The State of Georgia Department of Natural Resources, Environmental Protection Division or its duly authorized representative.

(ii) *Flammable*. To be defined by existing fire regulations covering Augusta-Richmond County.

(jj) *Floatable grease*. Grease in a state such that it is insoluble in the liquid waste and will separate from the liquid by gravity in properly designed grease separation facilities.

(kk) *Garbage*. The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

(ll) *Grab sample*. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(mm) *Grease*. That material which may be extracted from the acidified sample of sewage or industrial waste by petroleum ether or trichloro-trifluoro-ethane as prescribed in the currently approved edition of Standard Methods for the Examination of Water and Wastewater, as amended, and published by the American Public Health Association and others. Such materials include fats, oils, waxes and related compounds of animal, vegetable or mineral origin.

(nn) *Hazardous substance*. Any substance designated under 40 CFR Part 261 pursuant to Section 311 of the Clean Water Act.

(oo) *Holding tank waste*. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks utilized to store, treat or transport waste.

(pp) *Incompatible pollutant*. Any pollutant which is not a *compatible pollutant* as defined in this section.

(qq) *Indirect discharge*. This discharge or introduction of non-domestic wastewater from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to the waters of the state.

(rr) *Industrial wastes*. The wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

(ss) *Influent*. The wastewaters arriving at Augusta-Richmond County's wastewater treatment plant for treatment.

(tt) *Interference*. A Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment process or operations, or its sludge processes, use or disposal and

(2) Therefore cause a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits thereunder (or more stringent State or local regulations):

a. Section 405 of the Clean Water Act;

b. The Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA);

c. The Clean Air Act;

d. The Toxic Substances Control Act; and

e. The Marine Protection, Research and Sanctuaries Act.

(uu) *Legal authority*. The source of a Control Authority's jurisdiction and regulatory powers.

(vv) *Mass emission rate*. The weight of material discharged to the community sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents.

(ww) *May*. Is permissive (See *Shall*).

(xx) *Metered water*. The amount of all sources of water, including wells, consumed by the sewer customer.

(yy) *mgd*. Millions of gallons per day.

(zz) *mg/L*. Denotes milligrams per liter and shall mean ratio by weight, interchanged with ppm.

(aaa) *National Categorical Pretreatment Standard of Categorical Standard*. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) or (c) of the Act (33 U.S.C. 1347), which applies to a specific category of Industrial Users.

(bbb) *National Pollutant Discharge Elimination System (NPDES)*. The program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into navigable waters pursuant to Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342).

(ccc) *National Prohibitive Discharge Standard or Prohibitive Discharge Standard*. Any regulation developed under the authority of Section 307 (b) of the Act and 40 C.F.R. Section 403.5.

(ddd) *New source*. Any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(1) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of (1) or (2) above but otherwise alters, replaces, or adds to existing process or production equipment.

(4) Construction of a new source has commenced if the owner or operator has:

a. Begun, or caused to begin as part of a continuous onsite construction program:

1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing structures, buildings or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a building contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation.

(eee) *Notice of violation.* A Control Authority document notifying an Industrial User that it has violated pretreatment standards and requirements. Generally used when the violation is relatively minor and the Control Authority expects the violation to be corrected within a short period of time.

(fff) *Other pollutants.* The pollutants found in water or wastewater except as identified as conventional pollutants including, but not limited to, metals, volatile organics and pesticides that wastewater treatment plants have not been designed to treat.

(ggg) *Pass Through.* A Discharge which exits the POTW into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(hhh) *pH.* The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution. A stabilized pH will be considered as a pH which does not change beyond the specified limits when the waste is subject to aeration. pH shall be determined by standard methods as hereinafter defined.

(iii) *POTW.* See Publicly Owned Treatment Works.

(jjj) *ppm.* Parts per million, ppm may be used interchangeably with milligrams per liter.

(kkk) *Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d).

(lll) *Pretreatment requirements.* Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.

(mmm) *Pretreatment Standard or National Categorical Pretreatment Standard.* Any regulation established by the U.S. Environmental Protection Agency in accord with sections 307(b) and 307(c) of the Clean Water Act (33 USC 1347) which contains pollutant discharge limits which apply to a specific category of Industrial Users.

(nnn) *Priority pollutant.* Any contaminant in water which is identified as being toxic, carcinogenic, mutagenic, teratogenic or is chemically similar to compounds identified as such by EPA. This list includes 129 compounds and such other compounds as may be added from time to time.

(ooo) *Process wastewater*. Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

(ppp) *Proprietary information*. Information about a commercial chemical, product or process which is considered to be confidential business information or a trade secret by an Industrial User because if divulged, the information could put the Industrial User at an unfair competitive disadvantage with competitors in the same industry.

(qqq) *Publicly Owned Treatment Works (POTW)*. A treatment works as defined by Section 212 of the Act (33 USC 1292) which is owned, in this case, by Augusta-Richmond County. This definition includes any sewers that convey wastewater to such treatment works, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term shall also mean Augusta-Richmond County, a governmental body which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(rrr) *Residential*. A class of housing customers, using the sewer system, typically providing a waste effluent not in excess of the following parameters: BOD-200 mg/L; S.S.-200 mg/L; and Grease-100 mg/L.

(sss) *Sanitary sewer*. A sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

(ttt) *Self monitoring*. Sampling and analysis of wastewater performed by the Industrial User.

(uuu) *Septic tank waste*. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(vvv) *Sewage*. A combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

(www) *Sewer*. A pipe or conduit that carries wastewater or drainage water.

(xxx) *Sewerage*. The entire system of sewage collection, treatment and disposal.

(yyy) *Shall*. Is mandatory (See *May*).

(zzz) *Significant Industrial User* shall mean:

(1) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

(2) Any other industrial user that:

a. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow-down wastewater;

b. Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of POTW treatment plan; or

c. Is designated as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(3) Upon a finding that an industrial user meeting the criteria in paragraph (2) of this subsection has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority (as defined in 40 CFR 403.12(a)) may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

(aaaa) *Significant Noncompliance* shall include the following:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

(5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

(bbbb) *Slug*. Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period or duration longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration of flows during normal operation.

(cccc) *Spill*. A release of wastewater, occurring or arising by chance or unexpectedly, to the sewerage system or to a natural or man-made outlet.

(dddd) *Standard Industrial Classification (SIC)*. The classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(eeee) *Standard methods*. Those sampling and analysis procedures established by and in accordance with EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended or the *Standard Methods of the Examination of Water and Wastewater* as prepared, approved and published jointly by the American Public Health Association, the American Water

Works Association and the Water Pollution Control Federation. In cases where procedures vary, the EPA methodologies shall supersede.

(ffff) *State*. State of Georgia.

(gggg) *Surcharge*. A charge for treating pollutant loadings above design domestic levels.

(hhhh) *Suspended solids (SS)*. Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids and that is removable by laboratory filtering prescribed in 40 CFR 136 which references *Standard Methods for the Examination of Water and Wastewater*, latest edition, as published by the American Public Health Association, and others, and referred to as nonfilterable residue.

(iiii) *Toxic pollutant*. Sixty-five classes of pollutants included in the Clean Water Act of 1977, and under section 307, such other pollutants as the administrator determines to be harmful to organisms when discharged into waters. Upon review of these sixty-five classes of pollutants, the Administrator has designed 129 specific compounds as priority pollutants.

(jjjj) *Upset*. An exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the control of the Industrial User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operation.

(kkkk) *USC*. Denotes United States Code.

(llll) *Wastewater contribution permit*. As set forth in § 5-3-8 of this chapter.

(mmmm) *Wastewater treatment works*. An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with *waste treatment plant*, *wastewater treatment plant* or *water pollution control plant*.

(nnnn) *Water pollution control agencies of jurisdiction*. The Federal Environmental Protection Agency (EPA) operating under authority of the Federal Water Pollution Control Act, as amended, and the Georgia Environmental Protection Division operating under the authority of the Georgia Water Quality Control Act, as amended, each of which agencies is empowered to adopt such rules and regulations as it deems necessary to carry out the intent of these respective laws.

(oooo) *Waters of the state of Georgia*. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs and aquifers.

The following abbreviations shall have the following meanings:

(1) CFR: Code of Federal Regulation

(2) COD: Chemical Oxygen Demand

(3) GMP: Good Management Practices

(4) L: Liter

(5) mg: Milligram

(6) mg/L: Milligram per liter

(7) WPCF: Water Pollution Control Federation

(8) WPCP: Water Pollution Control Plant

(9) WWTP: Wastewater Treatment Plant

§ 5-3-3. USE OF PUBLIC SEWERS.

(a) *Unsanitary offensive deposits on property--generally.* It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within Augusta-Richmond County or any area under the jurisdiction of said Augusta-Richmond County, any human or animal excrement, garbage or other objectionable waste.

(b) *Discharging waste to natural outlets.* It shall be unlawful to discharge to any natural outlet within Augusta-Richmond County or in any area under the jurisdiction of said Augusta-Richmond County, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

(c) *Private sewage disposal.* Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(d) *Sewer connection required if available.* The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within Augusta-Richmond County and abutting on any street, alley or right-of-way in which there is located a public sanitary or combined sewer of Augusta-Richmond County, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that said public sewer is within 200 feet (61 meters) of the property line.

§ 5-3-4. PRIVATE SEWAGE DISPOSAL.

(a) *Connection to private system.* Where a public sanitary or combined sewer is not available under the provisions of § 5-3-3(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

(b) *Refer applications to Health Department.* Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit. The application for such permit shall be made on a form furnished by the Board of Health, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Director of Utilities.

(c) *Inspection of private systems.* A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Board of Health. It shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the Board of Health when the work is ready for final inspection and before any underground portions are covered, excluding the building sewer to private sewer disposal system.

(d) *Acceptable private sewage disposal.* The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Human Resources of the State of Georgia. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) *Connection to public sewer required if available.* At such time as a public sewer becomes available to a property served by

a private sewage disposal system, as provided in § 5-3-3(d), a direct connection shall be made to the public sewer in compliance with this chapter and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material. When a public sewer becomes available, the building sewer shall be connected to said sewer within 90 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt by the Owner.

(f) *Private operation and funding.* The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to Augusta-Richmond County.

(g) *Richmond County Health Department.* No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Board of Health.

(h) *Septic tank hauler.* It shall be unlawful for a private septic tank pumpout hauler to deposit sewage in a manhole or other point of discharge in Augusta-Richmond County's POTW without approval of point of discharge and payment of fees as established by § 5-3-9.

§ 5-3-5. PROHIBITIONS AND LIMITATIONS OF WASTEWATER DISCHARGES INTO THE PUBLICLY OWNED TREATMENT WORKS.

(a) *General discharge prohibitions.* A User may not introduce into a POTW any pollutants which cause Pass Through or Interference. This general prohibition and the specific prohibitions below apply to each User introducing pollutants into a POTW whether or not the User is subject to other National Pretreatment Standards or any other national, State, or local Pretreatment Requirements. A User may not contribute the following substances to the POTW:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited substances include, but are not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substances which have been determined to be a fire hazard to the system.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(3) Any wastewater having a pH less than 6.0 or greater than 9.0 at any time, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the WWTP or to exceed the limitations set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act. In the event of toxicity being found in the POTW, the Director of Utilities may at his/her discretion require Industrial Users to participate in a Toxicity Reduction Evaluation in accordance with the provisions of the POTW treatment plant's NPDES permit.

(5) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems. Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance of hazard to life or are sufficient to prevent entry into the

sewers for maintenance and repair.

(6) Any substance which may cause the WWTP's effluent, or any other product of the WWTP such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the WWTP to be in non-compliance with the sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

(7) Any substance which will cause the WWTP to violate its NPDES Permit or the receiving water quality standards.

(8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(9) Any wastewater having a temperature which will inhibit biological activity in the WWTP, but in no case wastewater which will cause the temperature at the Influent of the WWTP to exceed 40 degrees C (104 degrees F). No User shall discharge into any sewer line or other appurtenances of the POTW wastewater with a temperature exceeding 65.5 degrees C (150 degrees F).

(10) Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate or pollutant concentration which will cause interference to the WWTP. In no case, shall a slug load have a flow rate or contain concentration or qualities of pollutants at its introduction into the POTW that exceed for any time period longer than 15 minutes more than 5 times the average 24-hour concentration, quantities or flow during normal operation.

(11) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Director of Utilities in compliance with applicable State or Federal regulations.

(12) Any wastewater which causes a hazard to human life, creates a public nuisance or endangers the environment.

(13) Any surface run-off waters unless specifically permitted by the Director of Utilities.

(14) Sludges, screening, or other residues from the pretreatment of industrial wastes.

(15) Medical wastes, except as specifically authorized by the Director of Utilities in a wastewater discharge permit.

(16) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

(17) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter.

(19) Petroleum oil, nonbiodegradeable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(20) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

The Director of Utilities, as applicable, shall establish limitations or prohibitions in the wastewater discharge permit of any User as necessary to achieve the purpose and policy of this Chapter.

(b) *Limitations on the use of garbage grinders.* Waste from garbage grinders shall not be discharged into a community sewer except where generated in preparation of food consumed on the premises. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the community sewers. Garbage grinders shall not be used for the grinding of plastics, paper products, inert materials or garden refuse. This provision shall not apply to domestic residences.

(c) *Limitations on point of discharge.* No person shall discharge any substance directly into a manhole or other opening in a community sewer other than through an approved building sewer, unless he shall have been issued a permit by the Director of Utilities.

(d) *Septic tank pumping, hauling and discharge.* No person owning vacuum or cesspool pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the WWTP, unless such person shall first have applied for and received a Truck Discharge Operation Permit from the Richmond County Board of Health. All applicants for a Truck Discharge Operation Permit shall complete such forms as required by the Richmond County Board of Health, pay appropriate fees and agree in writing to abide by the provisions of this Chapter, regulations established by Augusta-Richmond County or any special conditions established by the Director of Utilities. The Director of Utilities shall designate the locations and times where such trucks may be discharged and may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto.

(e) *Other holding tank waste.* No person shall discharge any other holding tank waste or hauled industrial waste into the WWTP unless he shall have applied for an have been issued a Truck Discharge Operation Permit by the Director of Utilities. Unless otherwise allowed under the terms and conditions of the permit, the permit shall state the specific location of the discharge, the volume of the discharge and the wastewater constituents and characteristics of the discharge. Such User shall pay any applicable charges or fees therefor, and shall comply with the conditions of the permit issued by the Director of Utilities. Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle's tank.

(f) *Limitations on wastewater strength.* No person or User shall discharge wastewater in excess of the concentration set forth in the table below unless the wastewater discharge permit of the User provides as a special permit condition a higher interim concentration level and a requirement that the User construct a pretreatment facility or institute changes in operations and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the discharge permit within a fixed period of time.

MAXIMUM CONCENTRATION (mg/L)

<u>PARAMETER</u>	<u>24-HOUR COMPOSITE SAMPLE</u>
Arsenic	0.03 mg/L
Cadmium	0.50 mg/L

Chromium (T)	2.50 mg/L
Copper	1.0 mg/L
Lead	0.290 mg/L
Mercury	0.026 mg/L
Nickel	2.0 mg/L
Silver	0.16 mg/L
Zinc	4.2 mg/L
Phenol	2.2 mg/L
BOD	500 mg/L
TSS	500 mg/L
Ammonia as Nitrogen	100 mg/L

PARAMETER

MAXIMUM CONCENTRATION, mg/l

INSTANTANEOUS SAMPLE (GRAB)

		Daily maximum
Total Toxic Organics	2.13	
Cyanide	0.030	
Oil and Grease, Total	500	
Petroleum and Mineral	100	
Chloroform	0.40	
Methylene Chloride	1.00	

Phenol	1.20
Toluene	1.30

If Federal Categorical Standards establish limits for a pollutant more stringent than those established in the table above, the Categorical Standards will take precedence. Augusta-Richmond County has adopted the categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N, parts 405-471, as required by 40 CFR part 403.6. In addition, Augusta-Richmond County may limit the discharge of specific substances listed or not listed above on a case-by-case basis, if the discharge of that substance is shown to interfere with the operation or performance of the receiving POTW or violates any receiving stream water quality standards. (Ord. # 6044, June 2, 1998)

(g) *Criteria to protect the treatment plant.* The Director of Utilities shall monitor the treatment works' influent for each parameter listed in § 5-3-5 (f). In the event that concentrations reach levels that may inhibit the plant's treatment processes, cause the biosolids to be unsuitable for land application, or cause water quality violations in the receiving stream, the Director of Utilities shall initiate technical studies to determine the cause of the high influent concentration, and shall recommend to Augusta-Richmond County Commission such remedial measures as are necessary, including but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The Director of Utilities shall also recommend changes to any of the criteria in the event the WWTP effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the WWTP.

(h) *Pretreatment requirements.* Users of the treatment plant shall design, construct, operate and maintain wastewater pretreatment facilities whenever necessary to reduce or modify the User's wastewater constituency to achieve compliance with the limitations in wastewater strength set forth in § 5-3-5 (f), to meet applicable National Pretreatment Standards or to meet any other wastewater condition of limitation contained in the User's wastewater discharge permit.

(i) *Plans and specifications.* Plans, specifications and operating procedures for such wastewater pretreatment facilities shall be prepared by a registered engineer and shall be submitted to the Director of Utilities for review in accordance with accepted engineering practices. The Director of Utilities shall review said plans within 45 days and shall recommend to the User any appropriate changes. Prior to beginning construction of said pretreatment facility, the User shall submit a set of construction plans and specifications to be maintained by the Director of Utilities. Prior to beginning construction, the User shall also secure such building, plumbing or other permits that may be required by Augusta-Richmond County. The User shall construct said pretreatment facility within the time provided in the User's wastewater discharge permit. Following completion of construction, the User shall provide the Director of Utilities with two sets of *as-built* drawings to be maintained by the Director of Utilities. In reviewing plans and specifications, Augusta-Richmond County assumes no liability in the event the pretreatment facilities do not function properly.

(j) *State requirements.* State requirements and limitations on discharge shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Chapter.

(k) *Augusta-Richmond County's Right of Revision.* Augusta-Richmond County reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary.

(l) *Dilution prohibited.* No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards or in any other pollutant-specific limitation developed by Augusta-Richmond County or State. Augusta-Richmond may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate.

(m) *Prevention of accidental discharges.* All Industrial Users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the WWTP of waste regulated by this chapter from liquid or raw material storage areas, from truck and railcar loading and unloading areas, from in-plant transfer or processing and material handling areas and from diked area or holding ponds of any waste regulated by this Chapter. The wastewater discharge permit of any User who has a potential of significant leaks, spills or other accidental discharge of waste regulated by this Chapter shall be subject to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge. Plans, specifications and operating procedures for such special permit conditions shall be developed by the User and submitted to the Director of Utilities for review under the provisions of § 5-3-5 (j).

At least once every two (2) year, the Director of Utilities shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Director of Utilities may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Director of Utilities may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

(1) Description of discharge particles, including non-routine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the Director of Utilities of any accidental or slug discharge, as required by § 5-3-14 (c); and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

§ 5-3-6. RESERVED.

§ 5-3-7. FEES.

(a) *Purpose.* It is the purpose of this Section to provide for the recovery of costs from Users of Augusta-Richmond County's Wastewater disposal system.

(b) *Charges and fees.* Augusta-Richmond County may adopt charges and fees for the following:

(1) Fees for reimbursement of cost of setting up and operating Augusta-Richmond County's Pretreatment Program;

(2) Fees for monitoring, inspections and surveillance procedures;

(3) Fees for reviewing accidental discharge procedures and construction;

(4) Surcharge fees;

(5) Fees for filing appeals;

(6) Fees as Augusta-Richmond County may deem necessary to carry out the requirements contained herein;

(7) Fees for septic and other holding tank waste.

These fees relate solely to the matters covered by this Chapter and are separate from all other fees chargeable by Augusta-Richmond County.

§ 5-3-8. SYSTEM OF SURCHARGES TO INDUSTRIAL WASTE CONTRIBUTORS.

(a) *Determination of Industrial Waste Surcharge.* Where a person contributes Industrial Wastes to the Sanitary System of Augusta-Richmond County, such person shall pay an Industrial Waste Surcharge in addition to any sewer service charges in order to defray the cost of treating the above "normal" strength waste.

(1) The BOD and suspended solids content of Industrial Waste shall be evaluated following procedures outlined in 40 CFR 136 which cites "Standard Methods" and regulations stated elsewhere in this Chapter.

(2) When either or both the suspended solids and BOD of wastes accepted into Augusta-Richmond County's sewage system exceed 200 mg/l, the excess quantities of either or both, shall be subject to a surcharge to be calculated using the following formula as set for in paragraph (b) below.

(3) BOD, TSS and Flow discharges will be evaluated every six (6) months in conjunction with the establishment of surcharge rates. Any Industrial User found to be discharging BOD or TSS in excess of permitted mass values (pounds per day) or Flow in excess of permitted volume will be notified.

Failure to take action in the following six month period will result in an administrative enforcement action being taken.

Any and all actions taken under these guidelines are taken in lieu of judicial enforcement actions. Augusta-Richmond County reserves the right to pursue judicial enforcement against any Industrial User at any time during the progressive deterrent procedure as may be deemed necessary.

(b) Formula Determining Surcharge:

(1) The surcharge rate for each Industrial User shall be determined according to the following formula:

Formula: $(B + S) \times 0.00834 \times C = R$

Where:

B = BOD strength, in milligrams per liter, above that established for normal sewage.

S = Suspended Solids strength, in milligrams per liter, above that established for normal sewage.

C = Cost factor in dollars per pound (The cost factor "C" shall be set annually, based on an evaluation of treatment cost. Any adjustments to this factor shall become effective when approved by the Augusta-Richmond County Commission. Rates are published in the Rate Ordinance issued by the Augusta-Richmond County Commission.

R = Calculated Surcharge Rate in dollars per 1,000 gallons.

(2) The surcharge rate of any Industrial User may be changed semi-annually when analysis shows the BOD or SS content values have increased or decreased based on methods developed by the Director of Utilities and approved by Commission.

(c) *Extraneous Flows*. In the event that metered water usage is not indicative of the amount of discharge being introduced to the sewage system, a means of determining the amount of discharge will be installed at the direction of the Supervisor of Water Pollution Control. All proposed discharge metering devices must be submitted for approval, and will be installed and maintained at no cost to Augusta-Richmond County. The Supervisor of Water Pollution Control may require annual proof of calibration of such devices.

(d) *Additional Meters*. In the event that a person discharging Industrial Wastes into Augusta-Richmond County's Sanitary Sewer System has a discharge of wastewater less than his water usage, such person can, at his option, provide a discharge metering device subject to the Director of Utilities's approval. This device will be installed and maintained at no cost to Augusta-Richmond County. An additional charge to be determined by the Director of Utilities will be made to cover the actual and administrative costs of reading the meter.

(e) *Multiple Discharge Locations*. In the event that a person discharging Industrial Waste into Augusta-Richmond County's

Sanitary Sewer System discharges through more than one outlet, his Surcharge Rate shall be established based on his highest strength discharge unless all discharges are properly metered. If all discharges are properly metered, the wastewater strength used to establish the Surcharge Rate will be computed as follows:

For BOD:

$$\frac{(B_1 \times Q_1) + (B_2 \times Q_2) + (B_3 \times Q_3)}{(Q_1 + Q_2 + Q_3)} = \text{Composite BOD}$$

Where: Bn = BOD of Discharge Number n

Qn = Flow of Discharge Number n

For Suspended Solids:

$$\frac{(S_1 \times Q_1) + (S_2 \times Q_2) + (S_3 \times Q_3)}{(Q_1 + Q_2 + Q_3)} = \text{Composite SS}$$

Where: Sn = Suspended Solids of Discharge Number n

Qn = Flow of Discharge Number n

The Surcharge Rate will then be established as described in § 5-3-8.

(f) *Disputed Analysis; Regauging and Sampling of Waste.* In the event that the analysis of wastes determined by the samplings and gauging of wastes as analyzed by a Augusta-Richmond County Employee is disputed by the Industrial User, a program of resampling and gauging, with subsequent chemical determinations may be instituted as follows:

- (1) The person or Industrial User disputing the analysis must submit a request for resampling and gauging

of their industrial waste to the Director of Utilities. Such request must be written and shall act to bind the Industrial User to bear the cost incurred by Augusta-Richmond County in the resampling, gauging and subsequent chemical determination of the wastes.

(2) The Chemist or Engineer employed by the company responsible for the request submitted to Augusta-Richmond County shall be required to confer with the Director of Utilities who is in charge of gauging and sampling the industrial waste of that company. Said Chemist or Engineer shall work with the Director of Utilities to establish the length of the re-run and the methods to be employed to determine the flow and to sample the flow.

(3) The Chemist or Engineer employed by the Industrial User may be present during the gauging and sampling operations, as well as, be present in Augusta-Richmond County laboratory during the chemical determination of the analysis.

(4) The results of the analysis, determined from the quantity and quality of the flow shall be considered the analysis of record and shall be used to establish the Industrial User's Class following the method referred to in § 5-3-8.

§ 5-3-9. SYSTEM OF SURCHARGES TO SEPTIC TRUCK HAULERS.

(a) Liquid waste from Nonindustrial Users hauled to the treatment plant shall be charged a fee on the volume discharged into the wastewater treatment plant.

(b) Liquid waste hauled to the WWTP containing pollutants in excess of the limits set forth in § 5-3-5 (f), shall not be accepted.

(c) The fees for septic haulers shall be billed on a monthly basis and are due upon receipt of invoices.

(d) For billing purposes, waste hauled by septic truck haulers shall be divided into two classes:

(1) CLASS A: Septage from single family residences, portable toilets, and any other waste proven to have a total of Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) of 20,000 mg/L or less.

Example: BOD = 10,000 TSS = 5,000

Total = 15,000

(2) CLASS B: All other waste.

(3) Sub Class B1 Commercial Waste: Grease traps, Septage from other than single family residences, holding tank waste, etc.

(4) Sub Class B2 Industrial Waste: Waste generated as a result of an industrial process of any waste removed from an industrial site (except portable toilets).

(e) Disposal fees for these classes of waste shall be as follows:

<u>CLASS A</u>	<u>CLASS B</u>
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\$28.00/1,000 gallons	\$67.50/1,000 gallons
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(f) Trucks used for hauling wastes must be equipped with an approved device or method for determining the volume of waste in the tank. Trucks not so equipped will be charged based on tank capacity.

(g) In order for waste other than septage from single family residences and portable toilets to be classified as Class A, analyses must be performed which indicate the sum of BOD and TSS concentrations is 20,000 mg/L or less. This must be established before the waste is delivered to the treatment plant. (NOTE: BOD analysis takes six days.) These analyses may be performed by any qualified laboratory, and the cost will be the responsibility of the waste generator or the waste hauler and not Augusta-Richmond County.

(h) Industrial Waste (as defined in "D" above) must be pre-approved for disposal. The requirements for obtaining approval will vary depending on the type of waste involved and approval will either be granted or denied on a case-by-case basis.

(i) Waste haulers will bear the responsibility of proving the origin of the waste being hauled. This can be done by producing a manifest, work order, invoice or other form signed by the customer which indicated the type of waste and the location from which it was removed. These records must be maintained for not less than one year and must be available for inspection by Augusta-Richmond County or the Richmond County Health Department upon request.

(j) Waste will be received for disposal on Monday through Friday from 8:00 A.M. to 7:00 P.M. If there is a need to utilize the disposal facility outside these normal hours, a request should be made in advance. Every effort will be made to comply with such reasonable requests.

§ 5-3-10. TREATMENT COSTS OF OTHER POLLUTANTS.

Treatment of Industrial Pollutants other than BOD and SS which increase the cost of operation of Augusta-Richmond County's treatment facility shall be subject to surcharge based on the cost of treatment. Determination of the surcharge shall be made by the Director of Utilities.

§ 5-3-11. SPECIAL AGREEMENTS.

Nothing in this Chapter shall be construed so as to prevent any special agreement between Augusta-Richmond County and an Industrial Waste Contribution whereby Augusta-Richmond County may waive any requirements of this Chapter; provided, however, that such agreement does not conflict with any State or Federal Regulations.

§ 5-3-12. WASTEWATER DISCHARGE PERMIT.

(a) *Applicability.* The provisions of this section are applicable to all Industrial Users of the POTW. Any permits issued hereunder to Industrial Users who are subject to or who become subject to a *National Pretreatment Standard* as that term is defined in 40 C.F.R. 403.3(i) shall be conditioned upon the Industrial User also complying with all applicable substantive and procedural requirements promulgated by the Environmental Protection Agency or the State of Georgia in regard to such *National Pretreatment Standards*.

(b) *Industrial waste questionnaire requirement.* Any commercial or Industrial User may be required to complete an industrial waste questionnaire as requested by the Director of Utilities. The report shall contain all or applicable portions of the following:

(1) The name and address of the Industrial User;

(2) The location of such Industrial User;

(3) The nature, average rate of production and Standard Industrial Classification of the operation(s) carried out by such Industrial User;

(4) The average and maximum flow of the discharge from such Industrial User to the POTW, in gallons per day;

(5) The nature and concentration of pollutants in the discharge from each regulated process from such Industrial User and identification of any applicable Pretreatment Standards and Requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable Pretreatment Standard. If an equivalent with any Pretreatment Standard, this adjusted concentration limit shall also be submitted to the Director of Utilities for approval;

(6) A statement, reviewed by an authorized representative of the Industrial User (as defined in § 5-3-2), and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirement; and

(7) If additional pretreatment or operation and maintenance procedures will be required to meet the Pretreatment Standards, then the report shall contain the shortest schedule by which the Industrial User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

In this paragraph, when the context so indicates, the phrase "Pretreatment Standard" shall include either a

National Pretreatment Standard or a pretreatment standard imposed as a result of the User's discharging any incompatible pollutant regulated by § 5-3-5 hereof. The term "pollutant" shall include any pollutant identified in a National Pretreatment Standard or any incompatible pollutant identified in § 5-3-5 hereof.

(c) *Permit applications.* All Industrial Users shall discharge wastewater only in accordance with the conditions of their Wastewater Discharge Permit. All Industrial Users shall apply for and obtain a Wastewater Discharge Permit in the manner here in after set forth. Permit application forms will be sent to affected Industrial Users by Augusta-Richmond County following promulgation of a categorical standard or a determination by Augusta-Richmond County that a permit be issued. A permit application shall be submitted by the User, accompanied by a fee set by Augusta-Richmond County, within 180 days after promulgation of a Categorical Standard or a determination by Augusta-Richmond County that a permit be issued. All original applications shall be accompanied by a report containing this information specified in subsection (b) hereof. All original applications shall also include a site plan, floor plan, mechanical and plumbing plans with sufficient detail to show all sewers and appurtenances in the User's premises by size, location and elevation; and the User shall submit to the Director of Utilities revised plans whenever alterations or additions to the User's premises by size, location and elevations; and the User shall submit to the Director of Utilities revised plans whenever alterations or additions to the User's premises affect said plans. The Director of Utilities may require the submission of the above information from any Permittee who has not yet done so.

(d) *Incomplete application.* The Director of Utilities will act only on complete applications. Persons who have filed incomplete applications will be notified by the Director of Utilities that the application is deficient and the nature of such deficiency and will be given 30 days to correct the deficiency. If the deficiency is not corrected within 30 days or within such extended period as allowed by the Director of Utilities, the application will be denied and the applicant notified in writing of such action.

(e) *Permit conditions.* Upon receipt of complete applications, the Director of Utilities shall review and evaluate the applications and shall propose such special permit conditions as he deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of this Chapter and all other applicable Ordinances, laws and regulations. The wastewater discharge permit must include the following:

(1) A statement of duration;

(2) A statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing permit to the new owner or operator;

(3) Limits on the average and maximum wastewater constituents based on applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits, and State and local law;

(4) Limits on average and maximum rate of discharge or requirements for flow regulations and equalization;

(5) Specifications for self-monitoring programs which must include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

(6) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any other compliance schedule. Such compliance schedules may not extend the compliance date beyond applicable federal deadlines;

(7) Other conditions as deemed appropriate by Augusta-Richmond County to ensure compliance with this Chapter.

(f) Applicant notified of proposed permit conditions.

(1) Upon completion of his evaluation, the Director of Utilities shall notify the applicant of any special permit conditions which he proposes be included in the wastewater discharge permit.

(2) The applicant shall have 45 days from and after the date of the Director of Utilities's recommendation for special permit conditions to review same and file written objections with the Director of Utilities in regard to any special permit conditions recommended by the Director of Utilities. The Director of Utilities may, but shall not be required to, schedule a meeting with applicant's authorized representative within 15 days following receipt of the applicant's objections, and attempt to resolve disputed issues concerning special permit conditions.

(3) If applicant files no objection to special permit conditions proposed by the Director of Utilities or a subsequent agreement is reached concerning same, the Director of Utilities shall issue a wastewater discharge permit to applicant with such special conditions incorporated therein. However, if an agreement cannot be reached between the applicant and the Director of Utilities, a show cause meeting will be scheduled with the Director of Utilities to resolve the matter.

(4) The Director of Utilities shall schedule the meeting within 90 days, unless such time be extended for just cause shown to resolve any disputed matters relevant to such permit.

(5) The Director of Utilities shall notify the applicant of the date, time, place and purpose of the meeting scheduled. The applicant shall have the right to participate in such meeting and present any relevant evidence to the Director of Utilities concerning proposed special permit conditions or other matters being considered.

(6) Following such meeting, the Director of Utilities shall establish such special permit conditions as he deems advisable to insure the applicant's compliance with this Chapter or other applicable law or regulation and to insure a wastewater discharge permit to the applicant accordingly.

(g) Permit duration. Wastewater discharge permits shall be issued for a period not to exceed 3 years. Users becoming subject to a National Pretreatment Standard shall apply for new permits on the effective date of such National Pretreatment Standards. The Director of Utilities shall notify in writing any User whom he has cause to believe is subject to a National Pretreatment Standard of the promulgation of such federal regulations, but any failure of the Director of Utilities in this regard shall not relieve the User of the duty of complying with such National Pretreatment Standards. A User must apply in writing for a renewal permit within the period of time not more than 90 days and not less than 30 days prior to expiration of the current permit. Further limitations or conditions of a permit are subject to modification or change as such changes may become

necessary due to changes in applicable water quality standards, changes in Augusta-Richmond County's NPDES Permit, changes in § 5-3-5(g), changes in other applicable law or regulation or for other just causes. Users shall be notified of any proposed changes in their permit by the Director of Utilities at least 30 days prior to the effective date of the change.

Any change or new condition in a permit shall include a provision for a schedule for compliance. The User may appeal the decision of the Director of Utilities in regard to any changed permit conditions as otherwise provided in this Chapter.

(h) *Permit transfer.* Wastewater Discharge Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new or different owner, new or different User, different premises or a new, different or changed operation without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator.

§ 5-3-13. INSPECTION, MONITORING AND ENTRY.

(a) *Monitoring facilities--generally.* Augusta-Richmond County may require, to be provided and operated at an Industrial User's own expense, monitoring facilities to allow inspection, sampling, testing and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility shall normally be situated on the User's premises, but Augusta-Richmond County may, when such a location would be impractical or cause undue hardship to the User, permit the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. The facility, sampling, testing and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

Whether constructed on public or private property, the sampling, testing and monitoring facilities shall be provided in accordance with the Director of Utilities's requirements, this Chapter and all applicable local building codes, construction standards and specifications. The facility shall be completed within 90 days following written notification of requirement by the Director of Utilities.

(b) *Inspection and sampling--generally.* Augusta-Richmond County shall inspect the facilities of any User to ascertain whether the purposes of this Chapter are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow Augusta-Richmond County and its representatives, the Environmental Protection Division (EPD) of the Department of Natural Resources and the U.S. Environmental Protection Agency (EPA) ready access at all reasonable times to all parts of the premises for the purposes of inspection, testing, sampling, records examination or in the performance of any of their duties. Augusta-Richmond County shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, testing, compliance monitoring and/or metering operations. Where a User has security measures in force which require proper clearance before entry into their premises, the User shall make necessary arrangements so that personnel from Augusta-Richmond County, EPD or EPA will be permitted to perform their specific responsibilities and to exercise the rights and authorities herein provided.

(c) *Director of Utilities's requirements.* Whenever required to: (1) develop or assist in the development of

any effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, standard or performance or permit condition under this Chapter; (2) determine whether any person is in violation of any effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, standard or performance or permit condition; (3) make any necessary investigation relevant to this Chapter, the Director of Utilities:

(1) May require any non-domestic User to (i) establish and maintain records, (ii) make reports, (iii) install, use and maintain monitoring equipment or methods (including where appropriate, biological monitoring methods), (iv) sample effluents (in accordance with methods, at locations, at intervals and in a manner as the Director of Utilities shall prescribe) and (v) provide other information as he may reasonably require;

(2) Shall have a right of entry to, upon or through any premises in which an effluent source is located or in which any records required to be maintained under clause (1) of this subsection are located; and

(3) May, at reasonable times, have access to and copy any records, inspect any monitoring equipment or method required under clause (1) and sample any effluents which discharge to the POTW.

(d) *Confidential information.* Records, reports, information and data on a User and/or its business contained in reports, questionnaires, permit applications, permits and monitoring programs and/or inspections shall be available to the public or other governmental entities or agency without restriction unless the User specifically requests and demonstrates the release of such information would divulge information, processes or methods of production entitled to protection as a secret, right of privacy or trade secret of the User or that it would substantially injure or damage the User.

When requested by the person furnishing a report, the portions of a report which might disclose rights of privacy, trade secrets, secret processes or contain substantially injuring or damaging information shall not be made available for inspection by the public, but shall be made available upon written request to governmental entities and agencies for uses related to this Chapter, Augusta-Richmond County's National Pollutant Discharge Elimination System (NPDES) Permit or Pretreatment Program; provided, however, that such portions of a report shall be available for use by or any state entities or agency in enforcement proceedings or judicial review involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information entitled to any protection from disclosure.

§ 5-3-14. INDUSTRIAL WASTEWATER REPORTING REQUIREMENTS.

(a) *Compliance schedule and discharge report requirements.* The following conditions shall apply to the schedule required by § 5-3-12(b) & (e), and § 5-3-14 (a) (6).

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable categorical Pretreatment Standards. No increment referred to in this section shall exceed 9 months.

(2) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Director of Utilities. At a minimum, the report should include whether or not compliance with the increment of progress was met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the Industrial User to return to the construction schedule established.

(3) Within 90 days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the Control Authority a report containing the information described in § 5-3-14.(a) (6) d. - f. For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

(4) Any Industrial User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Control Authority and the Director of Utilities during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Director of Utilities, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which were monitored during the reporting period per § 5-3-12. (e) (4).

(5) The Industrial User shall notify the WWTP immediately by telephone of any slug loading, as defined by § 5-3-5. (a) (10).

(6) Within 180 days after the effective date of a categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under 403.6(a)(4), whichever is later, existing Industrial Users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the control Authority a report which contains the information listed in (a) through (g) below. Where reports containing this information already have been submitted to the Director of Utilities in compliance with the requirement of 40 CFR 128.140(b) (1977), the Industrial User will not be required to submit this information again. At least 90 days prior to commencement of discharge, New sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall be required to submit to the Control Authority a report which contains the information listed in (a) through (e) below. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New Sources shall give estimates of the information requested in paragraphs (d) and (e) of this section:

a. *Identifying information.* The User shall submit the name and address of the facility including the name of the operator and owners;

b. *Permits.* The User shall submit a list of any environmental control permits held by or for the facility;

c. *Description of operations.* The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.

d. *Flow measurement.* The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

1. Regulated process streams; and
2. Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e).

The Control Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

e. *Measurement of pollutants.*

1. The user shall identify the Pretreatment Standards applicable to each regulated process;
2. In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated pollutants in the Discharge from each Regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations;
3. A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Control Authority may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged;
4. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;
5. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewater are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combine wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

6. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator;

7. The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

8. The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW;

f. *Certification.* A statement, reviewed by an authorized representative of the Industrial User (as defined in 40 CFR 403.12 (k)) and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and

g. *Compliance schedule.* If additional pretreatment and/or O and M will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

1. Where the Industrial User's categorical Pretreatment Standard has been modified by a removal allowance 40 CFR (403.7), the combined wastestream formula 40 CFR (403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR 403.13) at the time the User submits the report required by this section, the information required by 40 CFR 403.12 (b) (6) and (7) shall pertain to the modified limits.

2. If the categorical Pretreatment Standard is modified by a removal allowance, the Combined wastestream formula, and/or a Fundamentally Different Factors variance after the User submits the report required by this section, any necessary amendments to the information requested by this section shall be submitted by the User to the Control Authority within 60 days after the modified limit is approved.

(b) *Record maintenance.* Any Industrial User subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (1) The date, exact place, method and time of sampling and the names of the persons taking the samples;
- (2) The dates analyses were performed;

- (3) The names of those who performed the analyses;
- (4) The analytical techniques/methods used; and
- (5) The results and units of measure of such analyses.

Any Industrial User subject to the reporting requirements established in this section shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by Augusta-Richmond County, the Director of the Division of Water Quality Control of the Environmental Protection Division, and/or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or when requested by the Director or the Environmental Protection Agency.

(c) Dangerous discharge notification requirements.

(1) *Telephone Notification.* Any person causing or suffering any discharge, whether accidental or not, which represents or may present an imminent or substantial endangerment to the health and welfare of persons, to the environment or which is likely to cause interference with the WWTP, shall notify the Director of Utilities immediately by telephone. In the absence of the Director of Utilities, notification shall be given to Augusta-Richmond County employee then in charge of the treatment works.

(2) *Written Report.* Within 5 days following such occurrence, the User shall provide the Director of Utilities with a detailed report describing the cause of the dangerous discharge and measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage to the WWTP, fish kills or any other damage to person or property, nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Chapter or other applicable law.

(3) *Notice to Employees.* A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a dangerous discharge. Employers that insure all employees who may cause or suffer a dangerous discharge to occur are advised of the emergency notification procedures.

(4) Notification of Hazardous Waste Discharge.

a. The Industrial User shall notify the POTW, the EPA Regional Waste management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous under 40 CFR part 261. Such notification must include the name of the hazardous, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharge during that

calendar month, and an estimation of the mass of constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under § 5-3-14. (c) (5). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of § 5-3-14. (a) (3), (4), and (6).

b. Dischargers are exempt from the requirements of paragraph a. of this subsection (4) during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

c. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

d. In the case of any notification made under this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(5) *Notification of changed discharge.* All Industrial Users shall promptly notify the POTW at least 90 days in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under § 5-3-14. (c) (4).

(d) *Notice of Violation.* The reports required in this section shall contain the results of sampling and analysis of the discharge, and of pollutants contained therein which are limited by the applicable pretreatment Standards. The frequency of monitoring shall be prescribed in the discharge permit. All analysis shall be performed in accordance with procedures established by the Environmental Protection Agency (EPA) and outlined in 40 CFR 136. If sampling performed by an Industrial User indicates a violation, the user shall notify the Control Authority within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit to the Control Authority the results of the repeat analysis within 30 days after becoming aware of violation. The Industrial User is not required to resample if:

(1) The Control Authority performs sampling at the Industrial User at a frequency of at least once per month, or

(2) The Control Authority performs sampling at the User between the time when the User performs its

initial sampling and the time when the USER receives the results of this sampling.

(e) *Sampling and Analytical Techniques; Measurement of pollutants.* The user shall identify the Pretreatment Standards applicable to each regulated process;

(1) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Control Authority may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional composite sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged.

(2) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator.

(f) *Certification Statement.* Any person signing a permit application, baseline monitoring report, 90-day compliance report, or self-monitoring report shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or the person directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

§ 5-3-15. PENALTIES.

(a) *Administrative enforcement remedies.*

(1) *Notice of Violation.* Whenever Augusta-Richmond County finds that any User has violated or is violating this Chapter, wastewater contribution permit, or any prohibition, limitation of requirements contained herein, Augusta-Richmond County may serve upon such person a written notice stating the nature of the violation. Within 15 days of the date of the notice, a written plan for the satisfactory correction thereof shall be submitted to the Director of Utilities by the User. Submission of this plan in no way relieves the User of liability for any violations occurring before or after the receipt of the Notice of Violation. This section shall not restrict the authority of the Director of Utilities. The authorized representative of the industrial user shall be responsible for the notice requirements of this section.

(2) *First Permit Violation.* The Industrial User is sent a noncompliance documentation letter containing

the following:

- a. Date of violation
- b. Parameter violated and laboratory analysis results
- c. Request for a report of remedial action to be taken to guard against recurring violation
- d. Statement of the next progressive deterrent action to be taken if another permit violation should occur

(3) *Second Permit Violation*. Same as the first violation plus the assessment of an administrative fee to be paid within 30 days.

(4) *Third Permit Violation*. Same as the first violation plus the assessment of an administrative fee to be paid within 30 days.

(5) *Fourth Permit Violation - Subsequent Violations*. Same as the first violation plus the assessment of an administrative fee and possibly immediate termination of sewer service. If terminated sewer service can only be reinstated after the payment of the fee and the submittal and approval of a plan of actions to be taken by the Industrial User to guard against further permit violations. This plan must include milestone dates so that Augusta-Richmond County may evaluate the progress of the plan implementation if the plan is approved. Depending upon the complexity of the problem and the proposed remedial action, Augusta-Richmond County may require that the plan be drawn, reviewed or implemented by or under the direction of a Registered Professional Engineer.

(b) *Consent Agreement*. The Director of Utilities is hereby empowered to enter into Consent Agreements, assurances of voluntary compliance or other similar documents establishing an agreement with the Industrial User responsible for the noncompliance. Such agreements will include specific action to be taken by the Industrial User to correct the noncompliance within a time period also specified by the order. Consent Agreements shall have the same force and effect as administrative orders issued pursuant to Section (D) below.

(c) *Show Cause Hearing*. The Director of Utilities may order any Industrial User which causes or contributes to violation of this Chapter of wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the User show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 20 days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified Industrial User appears at the hearing, immediate enforcement action may be pursued.

(d) *Compliance Order*. When the Director of Utilities finds that an Industrial User has violated or continues to violate the ordinance or a permit or order issued thereunder, he may issue an order to the Industrial User responsible for the discharge that, following a specified time period, sewer service shall be discontinued unless

adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

(e) *Cease and Desist Orders.* When the Director of Utilities finds that an Industrial User has violated or continues to violate this Chapter or any permit or order issued hereunder, the Director of Utilities may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(1) Comply forthwith.

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(f) *Emergency Suspensions/Termination.*

(1) The Director of Utilities may suspend the wastewater treatment service and/or wastewater permit of an Industrial User whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW or the environment.

(2) Any User notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director of Utilities shall take such steps as deemed necessary, including immediate severance of the sewer connection to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individual. The Director of Utilities shall allow the User to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in subparagraph (G) are initiated against the User.

(3) An Industrial User which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Director of Utilities prior to the date of the hearing described in Paragraph (c) above.

(g) *Revocation of Permit.* Industrial Users proposing to discharge into the POTW, must first obtain a wastewater discharge permit from Augusta-Richmond County. Any User who violates the following conditions of this Chapter or a wastewater discharge permit or order or any applicable or State and Federal law, is subject to permit termination:

(1) Violation of any terms or conditions of the wastewater discharge permit or other applicable law or regulations.

(2) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(3) Failure to report significant changes in operations or wastewater constituents and characteristics.

(4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring or sampling.

Noncompliant Industrial Users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under paragraph (c) of this section why the proposed action should not be taken.

(h) *Citation.* The Director of Utilities may cite the User for violation of any provision of this Chapter. A violation of any condition of the User's wastewater discharge permit shall be deemed to be a violation of this Chapter.

(i) *Administrative Fines.* Non-withstanding any other section of this Chapter, any User who is found to have violated any provision of this Chapter, or permits and orders issued hereunder, shall be fined in an amount not to exceed \$1,000.00 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the User's next scheduled sewer service charge and the Director of Utilities shall have such other collection remedies as he has to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual User's property. Industrial Users desiring to dispute such fines must file a request for the Director of Utilities to reconsider the fine within 10 days of being notified of the fine. Where the Director of Utilities believes a request has merit, he shall convene a hearing on the matter within 15 days of receiving the request from the Industrial User.

(j) *Assessment of Damages to Users.* When a discharge of waste causes an obstruction, damage or any other impairment to the facilities, or any expense of whatever character or nature to Augusta-Richmond County, the Director of Utilities shall assess the expenses incurred by Augusta-Richmond County to clear the obstruction, repair damage to the facility and any other expenses or damages incurred by Augusta-Richmond County. The Director of Utilities shall file a claim with the User or any other person causing or suffering said damages to incur seeking reimbursement for any and all expenses or damages suffered by Augusta-Richmond County. If the claim is ignored or denied, the Director of Utilities shall notify the Augusta-Richmond County Attorney to take such measures as shall be appropriate to recover for any expense or other damages suffered by Augusta-Richmond County.

§ 5-3-16. JUDICIAL REMEDIES.

If any person discharge sewage, industrial wastes or other wastes into the wastewater disposal system contrary to the provisions of this Chapter or any order or permit issued hereunder, the Director of Utilities through Augusta-Richmond County Attorney, may commence an action for appropriate legal and/or equitable relief in the Circuit Court of Richmond County, Georgia or such other courts as may have Jurisdiction.

(a) *Injunctive Relief.* Whenever an Industrial User has violated or continues to violate the provisions of this Chapter or permit or order issued hereunder, the Director of Utilities, through counsel may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the Industrial User. Suit may be brought to recover any and all damages suffered by Augusta-Richmond County as a result of any action or inaction of any User or other person who

causes or suffers damage to occur to the WWTP, or for any other expense, loss or damage of any kind or nature suffered by Augusta-Richmond County.

(b) *Civil Penalties.* Any User who is found to have violated an Order of the Commission or who willfully or negligently failed to comply with any provision of this Chapter, and the orders, rules, regulations and permits issued hereunder, shall be liable to the Director of Utilities for a civil penalty of not more than \$1,000.00 plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the Director of Utilities may recover reasonable attorney's fees, court costs, court reporters' fees, expenses associated with the enforcement activities, including sampling and monitoring expenses and other expenses of litigation by appropriate suit at law against the person found to have violated this Chapter or the orders, rules, regulations and permits issued hereunder.

The Director of Utilities shall petition the Court to impose, assess and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the Industrial User's violation, corrective actions by the Industrial User, the compliance history of the User and any other factor as justice requires.

(c) *Criminal Prosecution.*

(1) *Violations - Generally.* Any person found to be violating any provision of this chapter shall upon conviction be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000.00 per day or imprisonment for not more than six months, or both. Each day in which any such violation shall continue shall be deemed a separate offense.

(2) *Falsifying Information.* Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter, or Wastewater Contribution Permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter, shall upon conviction, be punished by a fine of not more than \$1,000.00 per violation per day or by imprisonment for not more than six months, or both.

(3) *Damaging Facilities.* No person shall maliciously, willfully or negligently break, damage, destroy, remove, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of Augusta-Richmond County or the sewerage work of Augusta, Georgia. Any person violating this provision shall be guilty of a misdemeanor, and may be fined up to \$1,000.00 per violation per day or be imprisoned for not more than six months, or both.

(d) *Supplemental enforcement remedies.*

(1) *Annual Publication of Significant Violations.* The Director of Utilities shall publish, at least annually, in the largest daily newspaper circulated in the service area, a list of those Industrial Users which are found to be in significant violation, as defined in § 5-3-2 of this Chapter during the previous 12 months. The notification shall also summarize any enforcement actions taken against the User(s) during the same 12

months.

(2) *Director of Utilities Petition for Federal or State Enforcement.* In addition to other remedies for enforcement provided herein, the Director of Utilities may petition the State of Georgia or the United States, Environmental Protection Agency, as appropriate to exercise such methods or remedies as shall be available to such government entities to seek criminal or civil penalties, injunctive relief or such other remedies as may be provided by applicable federal or state laws to insure compliance by Industrial Users of applicable pretreatment standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the WWTP or to prevent such other water pollution as may be regulated by state or federal law.

(3) *Performance Bonds.* The Director of Utilities may decline to reissue a permit to any Industrial User which has failed to comply with the provisions of this Chapter or any order to previous permit issued hereunder unless such User first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Director of Utilities to be necessary to achieve consistent compliance.

(4) *Liability Insurance.* The Director of Utilities may decline to reissue a permit to any Industrial User which has failed to comply with the provisions of this Chapter or any order or previous permit issued hereunder, unless the Industrial User first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

(5) *Water Supply Severance.* Whenever an Industrial User has violated or continues to violate the provisions of this Chapter or an order or permit issued hereunder, water service to the Industrial User may be severed and service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.

(6) *Public Nuisances.* Any violation of the prohibitions or effluent limitations of this Chapter or permit or order issued hereunder is hereby declared a public nuisance and shall be corrected or abated as directed by the Director of Utilities or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of the Augusta-Richmond County Code governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

(7) *Contractor Listings.* Industrial Users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to Augusta-Richmond County.

(e) *Affirmative defenses.*

(1) *Treatment Upsets.*

a. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3), below, are met.

c. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the user can identify the cause(s) of the upset;

2. The facility at the time was being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

3. The user has submitted the following information to the Director of Utilities within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:

(i) a description of the indirect discharge and cause of noncompliance;

(ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance time is expected to continue; and

(iii) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

d. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

e. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

f. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(2) *Prohibited Discharge Standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 5-3-5. (a) or the specific prohibitions in § 5-3-5. (a) (1) - (20) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

a. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

b. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when Augusta-Richmond County was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(f) *Treatment Bypasses.*

(1) For the purposes of this section,

a. *Bypass* means the intentional diversion of wastestreams from any portion of a user's treatment facility.

b. *Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.

(3) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director of Utilities at least ten (10) days before the date of the bypass, if possible.

(4) A user shall submit oral notice to the Director of Utilities, of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time of the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director of Utilities may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(5) Bypass is prohibited, and The Director of Utilities may take an enforcement action against a user for a bypass, unless

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The user submitted notices as required under paragraph (3) or (4) of this subsection (f).

d. The Director of Utilities may approve an anticipated bypass, after considering its adverse effects, if the Director of Utilities determines that it will meet the three conditions listed in paragraph (5) of this subsection (f).

§ 5-3-17. SEVERABILITY.

If any provision, paragraph, word, section or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

§ 5-3-18. CONFLICT.

All other Ordinances and parts of Ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict.

§ 5-3-19.--§ 5-3-25. RESERVED.

§ 5-1-1. GENERALLY.

This Chapter shall be known as the *Storm Water Management Ordinance of Augusta-Richmond County*.

§ 5-1-2. FINDINGS.

(a) Uncontrolled storm water drainage/discharge may have a significant, adverse impact on the health, safety, and welfare of the citizens of Augusta-Richmond County. Surface water runoff can carry pollutants and nutrients into receiving waters.

(b) Uncontrolled storm water drainage can increase the incidence of flooding and the level of floods which occur, endangering roads, other public and private property and human life.

(c) Altered land surfaces can change the rate and volume of runoff.

(d) Adverse water quality and quantity consequences described above could result in substantial economic losses. Potential losses include, but are not limited to, increased water treatment costs, as well as state and federal fines associated with water quality violations.

(e) Many future problems can be avoided through proper storm water management.

(f) Every parcel of real property, both public and private, either uses or benefits from the maintenance of Augusta-Richmond County's storm water system.

(g) Current and anticipated growth will contribute to and increase the need for improvement and maintenance of the storm water system.

§ 5-1-3. OBJECTIVES.

The objectives of this chapter include the following:

(a) To protect, maintain, and enhance the public health, safety, and general welfare. This objective will be achieved by providing for regulation and management of Augusta-Richmond County's storm water system, including public and private facilities in Augusta-Richmond County.

(b) To comply with State Department of Natural Resources and Federal Environmental Protection Agency storm water regulations developed pursuant to the Federal Clean Water Act. These requirements include:

(1) Control of the contribution of pollutants to the municipal storm sewer system by storm water discharges associated with commercial and industrial activity and the quality of storm water discharged from sites of commercial and industrial activity;

(2) Prohibition of illicit connections to municipal separate storm sewers;

(3) Control of discharge to municipal separate storm sewers of spills, dumping or disposal of materials other than storm water; and,

(4) Control, through intergovernmental agreements, of contribution of pollutants from one municipal system to another.

§ 5-1-4. DEFINITIONS.

(a) For the purposes of this chapter, unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most effective application. Words in the singular shall include the plural, and words in the plural shall include the singular. Words used in the present tense shall include the future tense. The word *shall* connotes mandatory and not discretionary; the word *may* is permissive.

(b) Unless otherwise specified, or it is apparent from the context, definitions herein will be the same as those in other Augusta-Richmond County Ordinances and as used elsewhere in this code.

(1) *Accidental discharge*. A discharge prohibited by this chapter into the municipal storm sewer system which occurs by chance and without planning or consideration prior to occurrence.

(2) *Appeals authority*. The Augusta-Richmond County Commission, one of whose purpose is to review appeals to this chapter and render decisions and variances.

(3) *Best Management Practices (BMPs)*. A wide range of management procedures, activities, and prohibitions on practices which control the quality and/or quantity of storm water runoff and which are compatible with the planned land use.

(4) *Clean Water Act*. The Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.).

(5) *Cooling water*. Water used exclusively as a cooling medium in an appliance, device or apparatus.

(6) *Conveyance*. Storm water features designed for the movement of storm water through the drainage system, such as concrete or metal pipes, ditches, depressions, or swales.

(7) *Department*. The department of public works responsible for all storm water management activities and implementation of the provisions of this chapter.

(8) *Development* means:

a. The division of a lot, tract or parcel of land into two (2) or more lots, plots, sites, tracts, parcels or other divisions by plat or deed;

b. The construction, installation, or alteration of a structure, impervious surface, or drainage facility;

c. Clearing, scraping, grubbing, or otherwise significantly disturbing the soil, vegetation, mud, sand or rock or a site; or

d. Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation mud, sand or rock of a site.

(9) *Director*. Either the director of department of public works or any duly authorized representatives of the director.

(10) *Easement*. An acquired legal right for the specific use of land owned by others.

(11) *Governing body*. The Augusta-Richmond County Commission.

(12) *Illicit connection*. A connection to a municipal separate storm sewer system which results in discharge that is not composed entirely of storm water runoff, except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer).

(13) *Maintenance*. Any action necessary to preserve storm water management facilities in proper working condition, in order to serve the intended purposes set forth in this chapter and to prevent structural failure of such facilities.

(14) *Municipal storm sewer system*. A conveyance or system of conveyances (including roads with drainage systems, highways, rights-of-way, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, other stormwater facilities) which is:

- a. Owned or operated by Augusta-Richmond County;
- b. Designed or used for collecting or conveying storm water;
- c. Not a combined sewer; and,
- d. Not a part of a Publicly Owned Treatment Works (POTW).

(15) *National Pollutant Discharge Elimination System (NPDES)*. A regulatory mechanism established by the U.S. Environmental Protection Agency pursuant to the Water Quality Act and the Clean Water Act with permit application requirements as set forth in 55FR47990 as implemented by the Georgia Environmental Protection Division of the Department of Natural Resources in accordance with the State Water Quality Control Act, O.C.G.A. § 12-5-21.

(16) *Person*. Any and all persons, natural or artificial and includes any individual, firm, corporation, government agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other legal entity.

(17) *Pollution*. The contamination or other alteration of any water's physical, chemical or biological properties, including change in temperature, taste, color turbidity, or odor of such waters or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

(18) *Private*. Property or facilities owned by individuals, corporations, and other organizations and not by city, state, or federal government.

(19) *Procedure*. A procedure adopted by the utility, by and through the director of public works, to implement a regulation or regulations adopted under this chapter, or to carry out other responsibilities as may be required by this code or other codes, ordinances or resolutions of Augusta-Richmond County.

(20) *Regulation*. Any regulation, rule or requirement prepared by the department and adopted by Augusta-Richmond

County pursuant to the requirements of this chapter.

(21) *Sanitary sewer system*. The complete sanitary sewer system of the county which discharges sewage directly or indirectly into the sewage treatment plant, including sanitary sewer pipelines, manholes and flushing inlets and appurtenances to the foregoing, excluding sewage treatment facilities.

(22) *Site*. Any lot, plot, parcel or tract of land.

(23) *Storm water management*. The collection, conveyance, storage, treatment and disposal of storm water runoff in a manner to meet the objectives of this chapter and which shall include a system of vegetative or structural measures, or both, that control the increased volume and rate of storm water runoff and water quality impacts caused by manmade changes to the land.

(24) *Storm water management facilities*. Constructed or natural components of a storm water drainage system, designed to perform a particular function, or multiple functions, including, but not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins, natural systems and modular pavement.

(25) *Storm water runoff*. The direct response of a land surface to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm drain or other concentrated flow during and following the precipitation.

(26) *Variance*. The modification of the minimum storm water management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this chapter.

(27) *Water quality*. Those characteristics of storm water runoff that relate to the physical, chemical, biological, or radiological integrity of water.

(28) *Water quantity*. Those characteristics of storm water runoff that relate to the rate and volume of the storm water runoff.

§ 5-1-5. SCOPE OF RESPONSIBILITY

(a) The provisions of this chapter shall apply throughout Augusta-Richmond County.

(b) The director of the department of public works or designee shall be responsible for the coordination and enforcement of the provisions of this chapter.

(c) The department of public works shall be responsible for the conservation, management, maintenance, extension, and improvement of the Augusta-Richmond County storm water system, including activities necessary to control storm water runoff and activities necessary to carry out storm water management programs included in Augusta-Richmond County's NPDES storm water permit.

(d) The application of this chapter and the provisions expressed herein shall be the minimum storm water management requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute. In addition, if site characteristics indicate that complying with these minimum requirements will not provide adequate designs or protection for local property or residents, it is the designer's responsibility to exceed the minimum requirements as necessary.

§ 5-1-6. POWERS OF THE DEPARTMENT OF PUBLIC WORKS.

(a) The department of public works shall have the power to administer and enforce all regulations and procedures adopted to implement this chapter, including the right to maintain an action or procedure in any court of competent jurisdiction to compel compliance with or to restrain any violation of this chapter.

(b) The department of public works shall:

(1) Administer, coordinate and oversee acquisition, design, construction, and operation and maintenance of municipal storm water facilities and conveyances;

(2) Establish or oversee establishment of development standards and guidelines for controlling storm water runoff,

(3) Determine the manner in which storm water facilities should be operated;

(4) Inspect private systems which discharge to the Richmond County's storm water system;

(5) Advise the Augusta-Richmond County Commission and other Augusta-Richmond County departments on issues related to storm water;

(6) Protect facilities and properties controlled by the Department of Public Works and prescribe how they are used by others;

(7) Require new, increased, or significantly changed storm water contributions to comply with the terms of this chapter.

(8) Develop programs or procedures to control the discharge of pollutants into the municipal storm sewer system; and,

(9) Adopt and implement the storm water management program for Augusta-Richmond County.

§ 5-1-7. STORM WATER RUNOFF QUANTITY CONTROLS.

(a) Water quantity controls will be provided as a part of all development pursuant to the provisions of the Augusta-Richmond County Soil Erosion and Sediment Control Ordinance, Zoning Ordinance, Water and Wastewater Disposal Ordinance, and Subdivision of Land Ordinance, and regulations adopted pursuant to those ordinances.

(b) Augusta-Richmond County may allow storm water runoff that otherwise is of unacceptable quantity or which would be discharged in volumes or at rates in excess of those otherwise allowed by its ordinances and regulations to be discharged into drainage facilities off site of the development, provided the following conditions are met:

(1) It is not practicable to completely manage runoff on-site in a manner that meets the design and performance standards found in the ordinances and regulations.

(2) Off-site drainage facilities and channels leading to them are designed, constructed and maintained in accordance with requirements of those ordinances; and,

(3) Adequate provision is made for sharing of construction, maintenance and operating costs of facilities.

§ 5-1-8. PROHIBITION.

(a) It is unlawful for any person to throw, drain, run, or otherwise discharge to any component of the municipal separate storm water system or to cause, permit or suffer to be thrown, drained, run, or allow to seep or otherwise discharge into such system all matter of any nature excepting only such storm or surface water as herein authorized.

(b) The director may require controls for or exempt from the prohibition provision above the following, provided he/she determines they are not a significant source of pollution:

(1) Unpolluted industrial cooling water, but only under the authorization and direction of the director and appropriate NPDES permit. (Per State requirements, the discharge should not raise the temperature of the receiving stream more than five (5) degrees after the discharge has thoroughly mixed with receiving waters. In secondary trout streams, there shall be no elevation in temperature exceeding two (2) degrees above the natural stream temperature).

(2) Water line flushing performed by a government agency, diverted stream flows, rising ground waters, and unpolluted ground water infiltration.

(3) Unpolluted pumped ground water.

(4) Discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, and street wash water.

(5) Discharges or flows from fire fighting.

(6) Other unpolluted water.

(c) In the event of an accidental discharge or an unavoidable loss to the municipal storm sewer system of any material or substance other than storm water runoff, the person concerned shall inform the department of public works within twenty-four (24) hours of the nature, quantity and time of occurrence of the discharge. The person concerned shall take immediate steps to contain the waste, treat the waste or other actions to minimize affects of the discharge on the municipal system and receiving streams. The person shall also take immediate steps to ensure no recurrence of the discharge.

§ 5-1-9. ILLICIT CONNECTIONS.

(a) It is unlawful for any person, to connect any pipe, open channel, or any other conveyance system that discharges anything except storm water or unpolluted water which is approved by the director, based on the exemptions listed in § 5-1-8(b), to Augusta-Richmond County's storm water system.

(b) Improper connections in violation of this Code must be disconnected and redirected, if necessary, to the Augusta-Richmond County sanitary sewer system upon approval by the director of the water and sewer department.

§ 5-1-10. MAINTENANCE AND INSPECTION.

(a) Any storm water management facility or BMP which services a single lot or commercial and industrial development shall be privately owned and maintained. The owner shall maintain a perpetual, nonexclusive easement which allows for access for maintenance.

(b) All other storm water management control facilities and BMPs shall be publicly owned and/or maintained only if accepted for maintenance by Augusta-Richmond County.

(c) The director may require dedication of privately owned storm water facilities which discharge to the storm water system to Augusta-Richmond County.

(d) The department of public works director shall determine inspection schedules necessary to enforce the provisions of this chapter.

(e) The director or designee, bearing proper credentials and identification shall be permitted to enter, without hindrance, all properties for regular inspections, periodic investigations, observation, measurement, enforcement, sampling and testing, in accordance with provisions of this chapter. The director or designee shall duly notify the owner of said property or the representative on site, except in the case of an emergency.

(f) The director or designated employee of the department of public works, bearing proper credentials and identification, shall be permitted to enter, without hindrance, all properties for which Augusta-Richmond County holds a negotiated easement for repairs, maintenance and other purposes related to any portion of the storm water management facilities lying within said easement. The director or designee shall duly notify the owner of said property or the representative on site, except in the case of an emergency.

(g) Measurements, tests and analyses performed by the department of public works or required of any discharger to the municipal system shall be in accordance with 40 CFR Part 136, unless another method is approved by the director.

(h) If, after inspection, the condition of a facility presents any immediate danger to the public health, safety or general welfare because of unsafe conditions or improper maintenance, Augusta-Richmond County shall have the right, but not the duty, to take action as may be necessary to protect the public and make the facility safe.

(i) Inspection reports shall be maintained in a permanent file located at the department of public works office for a period of three (3) years. All such records shall be open to the public.

§ 5-1-11. VARIANCES FOR REQUIREMENTS.

(a) The director may grant a variance from requirements of this chapter if exceptional circumstances applicable to a site exist such that strict adherence to the provisions of this chapter will result in unnecessary hardship and will not fulfill the intent of this chapter.

(b) A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, a variance should be granted. The request shall include all information necessary to evaluate the proposed variance.

(c) The director will conduct a review of the request for a variance within thirty (30) working days of receiving the request.

§ 5-1-12. APPEALS.

(a) Any person aggrieved by a decision of the director (including any decision with reference to the granting or denial of a variance from the terms of this chapter) may appeal same by filing a written notice of appeal with the director within ten (10) days of the issuance of said decision by the director. A notice of appeal shall state the specific reasons why the decision of the director is alleged to be in error.

(b) The director may reverse his/her decision giving written reason for reversal. In the event the director does not reverse his/her decision, the director shall prepare and send to the board of appeals and appellant a written response to said notice of appeal within thirty (30) days of receipt of the notice of appeal.

(c) All appeals shall be heard by a board of appeals to be constituted of the county administrator, the director of inspections, and the Director of the Augusta-Richmond County Planning and Zoning Commission. The hearing shall be held within thirty (30) days after receipt of notice of appeal or on a date mutually agreed upon in writing by the appellant and the board of appeals. The board of appeals shall then make its finding within ten (10) days of the appeal hearing. Decisions of the board of appeals shall be based upon guidelines for appeals established by the Augusta-Richmond County Commission as amended from time to time.

(d) If the appellant is dissatisfied with the decision of the board of appeals, he/she can appeal said decision to the Augusta-Richmond County Commission within thirty (30) days of the hearing decision being rendered to appellant. The Commission shall notify appellant of a time and place for hearing the appeal, and said time shall be within thirty (30) days of receipt of notice from appellant. The Commission shall make a finding on the appeal within ten (10) days of the hearing.

(e) If the appellant is dissatisfied with the Commission's decision, he/she can appeal said decision to the Superior Court of Richmond County within thirty (30) days of the date of that decision. Said appeal shall consist of a review of the record in the appeal process.

§ 5-1-13. COOPERATION WITH OTHER GOVERNMENTS.

Augusta-Richmond County may enter into agreements with the State of Georgia or with other local governments to carry out the purpose of this chapter. These agreements may include, but are not limited to enforcement of provisions, resolution of disputes, cooperative monitoring, and cooperative management of storm water system and management programs.

§ 5-1-14. PROPERTY OWNER LIABILITY; SUPPLEMENTAL CHARGES.

Any person in violation of any portion of this chapter shall pay for all costs of Augusta-Richmond County associated with the violation, including (but not limited to) containment, cleanup, injury, death, legal, or other costs.

§ 5-1-15. ENFORCEMENT; PENALTIES.

(a) This chapter shall be enforced by the office of the director of public works. Citations for violation may be issued by inspectors from the department of public works. Citation shall specify the nature of violation and the potential penalty involved.

(b) Any person, cited for violating this chapter shall be tried as a misdemeanor and shall upon conviction, shall be subject to the penalties provided in § 1-6-1.

(c) In addition, Augusta-Richmond County may institute appropriate action or proceedings at law or in equity for the enforcement of this chapter or to correct violations of this chapter. Any court of competent jurisdiction may have the right to issue restraining orders, temporary or permanent injunctions, and other appropriate forms of remedy or relief. Each day of noncompliance is considered a separate offense. Nothing herein contained shall prevent Augusta-Richmond County from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief.

§ 5-1-16. SEVERABILITY.

If any term, requirement or provision of this chapter or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this chapter or the application of such terms, requirements and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term, requirement or provision of this chapter shall be valid and be enforced to the fullest extent permitted by law.

§ 5-1-17. PRIOR INCONSISTENT ORDINANCES.

Any provisions and ordinances adopted prior to the date of adoption of this chapter and that are inconsistent with this chapter are hereby voided, but only to the extent of such inconsistency.

§ 5-2-1. STANDARD AND SPECIAL WATER SERVICE.

The standard water service shall consist of a one inch tap and service pipe with a five-eighths inch meter. Any larger service than this shall be considered special.

§ 5-2-2. WHO MAY RENEW SERVICES, MOVE CURB STOPS, ETC.

No person other than waterworks workmen shall renew any service or move any curb stop or meter, or meter box, except by written permission of the Director of Public Utilities.

§ 5-2-3. WATER AND SEWER LINES IN SAME DITCH.

Water and sewer lines may be laid in the same ditch.

§ 5-2-4. USE OF PIPES PREVIOUSLY RUN TO THE CURB.

In putting in a water or sewer service, no plumber will be permitted to make use of pipe previously run to the curb which does not conform to rules existing at the time such service is to be used, but before making such connections, the plumber or owner shall first get the utilities department either to reject or consent to such connection. If rejected, the owner will be required to have it changed at his expense, and if an entirely new service shall be put in, the old one shall be disconnected at the main at the expense of the owner before water is turned on to the new service.

**§ 5-2-5. COMPLIANCE WITH PLUMBING CODE, ETC., AND PAYMENT OF INSPECTION FEES
PREREQUISITE TO INTRODUCTION OF WATER.**

Water will not be introduced into any premises where fixtures do not meet the requirements of the plumbing code and other ordinances of Augusta-Richmond County relative to plumbing or where inspection fees have not been paid.

§ 5-2-6. WHEN SEWER CONNECTIONS REQUIRED.

Where property may be served by a sanitary sewer, every building shall be connected thereto. If there should be more than one building on the property, each building shall be connected separately to the sewer if the number of fixtures in all buildings exceeds ten (10). The word *fixture* as used herein shall mean any water appliance emptying into the sewer. [§ 5-2-74]

§ 5-2-7. WHO MAY TAP MAINS AND PIPES, RUN SERVICE LINES, ETC.

Water and sewer mains and pipes shall be tapped and necessary curb stop, meter and meter boxes set by the waterworks employees and by no other person whatsoever. Any person not a waterworks employee and without a permit from the Augusta-Richmond County water and sewerage department, who so taps, sets, or tampers with any water main or pipe, or permits such activities to take place on property owned or rented by him, or uses water obtained from such unauthorized connections, or supplies water through such unauthorized connections, shall be punished as provided herein.

§ 5-2-8. RESELLING OR DISTRIBUTING WATER PROHIBITED.

No water shall be resold or distributed by the recipient thereof from the pipes or meters serving water from the Augusta-Richmond County water system to any premises other than that for which an application has been made for a water meter and the meter installed.

§ 5-2-9. NOTICE OF LEAKING FIXTURES.

Notice of leaking fixtures shall be sent to the property owner or his agent, where the address of such owner or agent is known. Otherwise, notice shall be sent to the tenant who shall be instructed by the owner or agent to give him notice personally of any such leaking fixture.

§ 5-2-10. INSTALLATION, ETC., OF METERS--GENERALLY.

It shall be in the authority and discretion of the Augusta-Richmond County Commission to require meters of such style and character as it may approve, to be put, at any time, in the service pipes of railroad companies, mills, manufactories and other industrial establishments, public buildings, hotels, etc., at the expense of the party for whose use they are applied, and if furnished in any case by Augusta-Richmond County, the cost of such meter shall be collected from the party using the same before the use of water is permitted. The care and repair of meters shall be at the expense of parties using the same.

§ 5-2-11. WHERE METER SERVICE REQUIRED.

A meter service shall be required for each premises utilizing Augusta-Richmond County water. No person, whether owner or tenant, receiving water supplied from Augusta-Richmond County through a meter approved for their premises shall supply any other, separate premises with water. *Premises* shall mean each separate house, building, trailer, mobile home, manufactured home or similar structure, whether or not located on the same tract of land. Any person supplying another with water in violation of this section shall have his water turned off until such unauthorized use of water is stopped and he shall have paid to Augusta-Richmond County any charges the Director of Public Utilities may determine to be due for water used in violation of this section and for the expense of cutting off and restoring water service.

§ 5-2-12. WATER OBTAINED THROUGH FALSE PRETENSES.

If water has been supplied to any premises, and afterwards it shall be found that false representation has been made by such applicant, or that water is being used in or upon the premises for purposes not set forth in the application made for water supply to the premises, the water shall be shut off, and shall remain shut off, until all unauthorized use of water has been stopped, and any sum of money determined due for the use thereof has been paid to Augusta-Richmond County.

§ 5-2-13. UNAUTHORIZED TURNING ON OR OFF OF WATER, TAMPERING WITH METERS, ETC.

It shall be unlawful for any person other than duly authorized employees of Augusta-Richmond County to turn on or turn off water, or tamper with meters or curb stops, without permission.

§ 5-2-14. USE OF WATER FROM FIRE HYDRANT FOR PURPOSES OTHER THAN FIRE EXTINGUISHMENT.

Permit required. Any person desiring to use water from any fire hydrant or other public water opening for any purpose except for the extinguishment of fires shall make application for the use of water from such fire hydrant or other public water opening to the superintendent of the court water and sewerage system. All water so used shall be supplied through a portable meter at regular meter rates.

§ 5-2-15. COVERING TOPS OF METER BOXES.

It shall be unlawful for any person to willfully, maliciously or carelessly cover the tops of meter boxes belonging to the utilities department with dirt, rocks or debris, so as to hide such meter boxes from view or render same difficult of access.

§ 5-2-16. AUGUSTA-RICHMOND COUNTY TO KEEP METERED SERVICES IN REPAIR; LIABILITY OF PROPERTY OWNER FOR DAMAGE.

After payment of charges for metered services by the property owner, Augusta-Richmond County will keep the same in repair and make replacements when necessary without further cost, except as otherwise provided in this article. The property owner shall be liable, however, for any damage to a meter caused by hot water from a boiler or range tank backing out into the main, or any damage caused by himself, his family, employees or occupants of the property.

§ 5-2-17. REDUCTION IN SIZE OF METER.

If Augusta-Richmond County is requested to reduce the size of meter, for example, from three-fourths inch to five-eighths inch, no refund will be allowed on the larger meter. Any special fittings used in making the change shall be paid for by the property owner.

§ 5-2-18. CHANGE OF LOCATION OF METER.

The moving of a water meter serving one property to another location to serve another property shall not be allowed except with permission of the Director of Augusta-Richmond County Utilities Department, and only then upon the receipt by the Director of Augusta-Richmond County Utilities Department of a release in written form of the obligation to serve the property from which the meter is removed. A renewal of such abandoned service shall be paid for at the rate set out for new services.

§ 5-2-19. REMOVING, ETC., METERS, VALVES AND OTHER APPURTENANCES OF UTILITIES.

It shall be unlawful for any unauthorized person to remove, alter, tamper with or in any way interfere or intermeddle with any of the wells, reservoirs, basins, water mains, pipes, plugs, meters, valves, curb cocks or other appurtenances of the utilities.

§ 5-2-20. CURB STOPS--GENERALLY; LAWN AND YARD HYDRANTS.

(a) All persons taking Augusta-Richmond County water shall provide a brass curb stop, ground from bottom, with water pressure under core, similar to Mueller make, or its equal, to be approved by the Director of Augusta-Richmond County Utilities Department, fitted with a tee handle extension rod with pipe casing. The handle shall be not less than eight inches across, easily accessible to occupants, and at such point that all water may be drained out of the pipes for the protection of such occupants in enabling them to turn off water in case of leaks, and to drain the pipes inside to prevent freezing, which should be fully explained to occupants by the plumber doing the work, when possible. These curb stops shall be so placed as to accomplish the purpose for which they are designed. They shall be placed at a point where they will never freeze. All the service pipe between the curb stop and curb shall be laid so that it will not be exposed to frost. This section shall apply to yard hydrants as well as house service pipes.

(b) The curb stops shall not be put in an inaccessible place. This rule will require pipes to be run down outside of cellar walls, and come in under the wall at least six inches below the cellar floor. Draincocks shall be put in pipes to drain them when traps are unavoidable.

(c) Yard hydrants may be placed in yards of residences without pipes being extended into the house, but shall not be placed in unenclosed premises, or where there is access to them by persons occupying adjoining premises, either on the sides, rear or front, except by special permit from the Director of Augusta-Richmond County Utilities Department.

(d) A separate curb stop shall be required on a branch to lawn or yard hydrants. Key-top cocks will be allowed in exposed places on lawns. When the consumer desires to discontinue use of a lawn or yard hydrant, the plumber will be required to disconnect the full run of pipe back to the connection with the main run of pipe.

§ 5-2-21. CURB STOP REQUIREMENTS; CURB STOP BOX.

A curb stop with a round waterway shall be inserted in each service or supply pipe to premises in every case, and shall be protected by an iron box to be supplied by the utilities department at the expense of the owner of the premises. It shall be unlawful for any person to put in any curb stop box other than that furnished by the utilities department.

§ 5-2-22. DUTY OF PERSONS TAKING WATER AS TO SERVICE PIPES AND FIXTURES.

All persons taking Augusta-Richmond County water shall keep their own service pipes and all fixtures connected therewith in good repair and protected from frost, at their own expense.

§ 5-2-23. CHANGE IN LOCATION OF FIRE HYDRANT, ETC.

If it becomes necessary to change the location of any fire hydrant or other fixture of the utilities system at the request and for the convenience of a property owner or tenant, the cost of labor and material, plus twenty per cent, shall be charged for such work; provided, that the change or removal has the approval of the Director of Augusta-Richmond County Utilities Department and has been applied for in writing.

§ 5-2-24. LIABILITY OF PLUMBER NOT PROPERLY REPLACING CURB STOP BOX OR INJURING PROPERTY.

Should any plumber, in making an attachment, or in shutting off or in turning on water, not properly replace the curb stop box, or should he in any manner injure the property of the utilities department, or property owner, he shall pay the sum of such damage, and upon refusal to pay same, he shall be refused any plumbing permit until such bill is paid.

§ 5-2-25. FIRE PROTECTION SERVICE--GENERALLY.

Fire protection service shall be put in such manner that all pipes will be open and easily accessible for inspection at any time. No connection for any other purpose whatever will be permitted with fire service, and all existing connections with fire systems designed for any purpose shall be disconnected.

§ 5-2-26. SAME--AIR PRESSURE TANKS FOR DRY SYSTEMS.

Service tanks to furnish air pressure for dry systems shall be connected with a metered service and not with fire service.

§ 5-2-27. USE OF WATER FROM PUBLIC WATER OPENINGS.

Any person desiring to use water from any fire hydrant or other public water opening for any purpose except the extinguishment of fires shall make application for the use of water from such fire hydrant or other public water opening to the Director of Augusta-Richmond County Utilities Department or his designee. All water so used shall be supplied through a portable meter at regular meter rates, unless authorized by the Director.

§ 5-2-28. PERMITTING WASTE OF WATER.

Any water tenant who shall let the water from his hydrant or other fixtures run to waste or any other person who shall cause a waste of water from the utilities department shall be punished as provided in herein. Any water tenant who permits such waste to exist, after being so fined, shall also be liable to have the water shut off upon twenty-four hours' notice, until the proper repairs have been made at such tenant's expense. Where the water supply is shut off as herein provided, the water shall not again be turned on until all water bills and the cost of shutting off and turning on the water shall have been paid.

§ 5-2-29. INJURING, OBSTRUCTING, ETC., HOUSES, PIPES, FIREPLUGS, ETC., PERTAINING TO UTILITIES DEPARTMENT.

It shall be unlawful for any person to use a pipe wrench on the stem of a fire hydrant, to injure any house, wall, bank, fence, bridge, pipe, curb stop, fireplug or other fixtures pertaining to the Augusta-Richmond County utilities department, or to obstruct the passage thereto, or in any way prevent the proper use thereof. Any person violating this section shall be liable for the expense of repairing any damage done, and shall be punished as provided in herein.

§ 5-2-30. TRESPASS AT RESERVOIR, ETC.

It shall be unlawful for any unauthorized person to be within the fence enclosing the reservoir and basin, or within the fence enclosing the pumping station, at any time.

§ 5-2-31. BATHING IN, THROWING ARTICLES INTO, OR WASHING DOGS, CLOTHES, ETC., IN RESERVOIRS.

It shall be unlawful for any person to bathe in any of the basins or reservoirs of the utilities department of Augusta-Richmond County or to throw or deposit anything whatever therein or to wash any dog, clothes or anything in the waters thereof.

§ 5-2-32. OPENING CURB COCK.

It shall be unlawful for any person to open any curb cock found closed without permission from the Director of Augusta-Richmond County Utilities Department.

§ 5-2-33. INTERFERENCE WITH WATER SUPPLY FOR EXTINGUISHING FIRES.

It shall be unlawful for any person to interfere in any way with the supply of water for the extinguishing of fires.

§ 5-2-34. LEAVING VALVE CLOSED OR IN BAD ORDER.

It shall be unlawful for any person, permitted by the Director of Augusta-Richmond County Utilities Department to shut down any valve, to leave such valve closed or in bad order without reporting the same to the Director of Augusta-Richmond County Utilities Department.

§ 5-2-35. INSTALLATION OF WATER SERVICES PRIOR TO PAVING STREETS.

The owners of all vacant lots or lots without water services abutting on a street of Augusta-Richmond County which is to be paved shall be given thirty days' written notice by the engineering or public utilities department that such street is to be paved. Within such thirty-day period the property owners shall have installed all water services required to serve their property, and if they shall fail to do so the Commission may:

(a) Do all work required to serve such properties without thereafter causing a cut to be made in the pavement and charge the cost thereof to the property owner and enforce the same by lien upon such property and execution to be issued thereon; or

(b) Refuse to cut such pavement to install such water services and connections for a period of five years from the date of the completion of the pavement except in extreme cases of emergency.

§ 5-2-36. ACCEPTANCE OF WATER MAINS IN SUBDIVISIONS.

It shall be unlawful for the Commission or any committee thereof to accept as a part of the water works system of Augusta-Richmond County any subdivision having water mains running through such subdivision that are less than six inches in diameter; except that water mains installed in dead-end roads or streets, also known as cul-de-sacs, may be less than six inches in diameter, subject to the approval of the Director of Augusta-Richmond County Utilities Department.

§ 5-2-37. POLICE POWERS OF CERTAIN EMPLOYEES.

The superintendent and assistant superintendents of the pumping station and the filter plant are each vested with the full power of a law enforcement officer in the enforcement of the provisions of all laws, rules and regulations applicable to any portion of the public utilities, or to the grounds around the same.

§ 5-2-38. REFUSAL TO ADMIT PUBLIC UTILITIES PERSONNEL TO MAKE INSPECTIONS.

It shall be unlawful for any person to refuse to admit the authorized employees of the utilities department to his premises for inspection of water supply or appliances.

§ 5-2-39. RULES AND REGULATIONS AS TO PUBLIC UTILITIES.

The Director of Augusta-Richmond County Utilities Department is authorized to make such rules and regulations with reference to the public utilities and the use of water therefrom as he may deem expedient.

§ 5-2-40. PENALTY.

Any person or persons failing to comply with the lawful provisions hereof or doing any act prohibited hereby or failing to do any act mandated hereby shall be guilty of an offense, and upon trial as a misdemeanor and conviction shall be subject to the penalties provided in § 1-6-1.

§ 5-2-41. PAYMENT OF CHARGES PREREQUISITE TO MAKING CONNECTIONS, ETC.

No connection or tap shall be made or water or sewer service installed until proper payment of charges has been made and deposited with Augusta-Richmond County. Such deposit or payment shall include all water connection charges, sewer connection charges and plumbing fees, the intention of this section being that all charges of whatsoever nature shall be paid before any of the work above set out is done, unless the house to be served cannot be served by a sewer main, in which case no charge shall be made for sewer connection but all other charges as set out shall be paid. Water connections shall not be made until proper payment is made for sewer connection where the sewer is available.

§ 5-2-42. CHARGES AND USE OF WATER AND SEWER MAIN REGULATIONS.

The Commission shall from time to time establish charges, rates and regulations through ordinances for the use of the water and sewer mains of Augusta-Richmond County.

§ 5-2-43. APPLICATION FOR USE OF WATER AND MANNER OF BILLING--GENERALLY.

Application for the use of water on any premises shall be made by the property owner or his agent, who shall sign the form of agreement prescribed by the Director of Augusta-Richmond County Utilities Department. Meters will be read and bills rendered once each month to the person designated in the agreement.

§ 5-2-44. MEASUREMENT BY METERS.

All water furnished from Augusta-Richmond County mains shall be, except as provided in § 5-2-50, paid for by meter measurement.

§ 5-2-45. SCHEDULE OF WATER AND SEWER RATES AND MINIMUM CHARGES.

(a) Effective September 1, 1996, the following rates for water and sewer are established for the Augusta-Richmond County Consolidated Water and Sewer System:

RESIDENTIAL RATE STRUCTURE:

<u>Meter Size</u>	<u>Water</u>	<u>Sewer</u>
<u>ALL METERS</u> <u><3kgal</u>	<u>\$ 8 00</u>	<u>\$ 6 70</u>
<u>ALL METERS</u> <u>>3kgal</u>	<u>\$ 5 53 + \$</u> <u>0 76/kgal</u>	<u>\$ 9 40 + \$</u> <u>0 87/kgal</u>

~~COMMERCIAL (NON RESIDENCE) RATE STRUCTURE:~~

<u>Meter Size</u>	<u>Water</u>	<u>Sewer</u>
5/8" 3/4"	\$ 6.00 + \$0.97/kgal	\$ 9.90 + \$1.10/kgal
1"	\$ 8.50 + \$0.97/kgal	\$ 14.15 + \$1.10/kgal
1-1/4" & 1-1/2"	\$ 14.10 + \$0.97/kgal	\$ 23.65 + \$1.10/kgal
2"	\$ 20.25 + \$0.97/kgal	\$ 34.15 + \$1.10/kgal
3"	\$ 33.90 + \$0.97/kgal	\$ 57.50 + \$1.10/kgal
4"	\$ 49.10 + \$0.97/kgal	\$ 83.80 + \$1.10/kgal
6"	\$ 82.80 + \$0.97/kgal	\$ 140.80 + \$1.10/kgal
8"	\$ 120.10 + \$0.97/kgal	\$ 204.40 + \$1.10/kgal
10"	\$ 160.40 + \$0.97/kgal	\$ 273.25 + \$1.10/kgal
12"	\$ 208.15 + \$0.97/kgal	\$ 346.05 + \$1.10/kgal

~~00~~

~~\$ 8.50 + \$0.97/kgal~~

~~\$ 14.15 + \$1.10/kgal~~

(b) The monthly residential sewer rate shall be charged based on the average water usage for that address from the previous December, January and February billing cycles.

(c) In cases where a December, January and February consumption is not previously established for that address, the monthly residential sewer charge shall be the lesser of \$15.50, or the amount calculated for actual water usage for that month.

(d) The rate for wastewater from co-generation facilities is established at the rate of \$1.25/kgal. Effective April 1, 2002, and annually thereafter, the rate for wastewater from co-generation facilities as set forth in this section shall be adjusted equal to the percentage increase in the Consumer Price Index (CPI) for all Urban Consumers for the South Region. (Ord. # 6441, December 3, 2001)

(e) The rates for water and sewer set forth in this section shall be adjusted as established in the budget adopted by the Augusta-Richmond County Commission for such year or as set in a resolution duly adopted as a part of financing for improvements to the water and sewer system. Any change in the rate shall be effective on April 1 of each year following adoption of such budget or resolution.(Ord. # 6298, August 15, 2000)

§ 5-2-46. CHARGES WHEN METER SUPPLIES HOUSES OF DIFFERENT OWNERSHIP.

If a meter supplies a house of different ownership than the house from the address of which the meter is installed, it shall carry a minimum charge for each such house, as provided in § 5-2-45. The charges for water used through such meter shall be collected from the consumer at the address at which the meter is installed.

§ 5-2-47. MINIMUM CHARGE WHEN TWO OR MORE HOUSES ARE ON THE SAME METER.

RESERVED.

§ 5-2-48. ASSESSMENTS AGAINST TENEMENTS; SUPPLY OF WATER TO TWO OR MORE FAMILIES THROUGH SAME SERVICE PIPE.

Water supplied to tenement houses, that is, houses wherein two (2) or more families reside, shall be assessed against the owner of such property as follows, that is to say, each tenement separately. In case two (2) or more parties or families are supplied with water from the same service pipe, if either of the parties fails to pay the water rent when due, or to comply with the rules of the utilities department, the water will be turned off from such pipe until the rent is paid or the rules are complied with.

§ 5-2-49. EFFECT OF FAILURE TO PAY BILLS WHEN DUE; FEES IN CONNECTION WITH CUT-OFF AND/OR UNAUTHORIZED OBTAINING OF WATER; REMOVAL OF DEAD METERS.

(a) Each and every bill for water consumed shall be subject to a penalty of ten per cent (10%) if not paid by the penalty date shown on the bill.

(b) If any bill is not paid by the shut off date established for said bill by the Augusta-Richmond County Utilities Department, the water will be shut off until all arrears are paid.

The water will not be turned on until all arrears are paid together with a delinquent fee of twenty-five dollars (\$25.00) for cutting on and off.

In cases where shutting off water would be contrary to special health needs at the customer's site or would severely impact the conduct of business at a customer's site; the Utilities Department may opt not to shut off the water. A notice of a shut off date or a proposed shut off date will be hand delivered to the customer and the twenty-five dollar (\$25.00) delinquent fee will be added to the bill.

(c) Where water has been cut off due to nonpayment, but is being received through tampering with the water meter, a fee of sixty-five dollars (\$65.00) will be charged to the account in connection with the Augusta-Richmond County Utilities Department's placing of a locking device on the water meter. This fee will be in addition to any other fee previously assessed.

(d) Where a locking device placed on a water meter has been broken or otherwise made ineffective, a fee of one hundred five dollars (\$105.00) will be charged to the account in connection with the Augusta-Richmond County Utilities Department's removal of the water meter. This fee will be in addition to any other fee previously assessed.

(e) Where a water meter has been removed and water is being obtained through an unauthorized meter or "straight line", a fee of one hundred twenty-five dollars (\$125.00) will be charged to the account in connection with the Augusta Utilities Department's removal of the unauthorized meter or "straight line". This fee will be in addition to any other fee previously assessed.

In addition, the responsible party may be cited with a violation of this Code and subject to punishment as provided in Code § 1-6-1. Any additional costs or fines ordered by the Court would also be required to be paid prior to restoration of service. (Ord. # 6045, June 2, 1998)

§ 5-2-50. ADJUSTMENT OF EXCESSIVE BILLS CAUSED BY LEAKING FIXTURES--GENERALLY.

In cases of a bill deemed excessive, the utilities department, on complaint or request of the property owner or his agent or tenant, will make an investigation of the plumbing. This section shall not apply to minimum charge bills and shall not apply to property occupied by the owner.

§ 5-2-51. SAME--PLUMBER'S CERTIFICATE OF REPAIRS PREREQUISITE TO REDUCTION IN WATER BILL.

No reduction shall be made in any water bill until the manager, public utilities sales, has received a certificate from a licensed plumber certifying that repairs have been made to water works, plumbing fixtures or piping upon or leading to the property served by the meter whose reading furnishes the basis of such water bill, and that such repairs have been completed so that leaks in any such fixtures or piping no longer exist.

§ 5-2-52. SAME--AUTHORITY OF MANAGER, PUBLIC UTILITIES SALES, TO REDUCE WATER BILL.

Upon receipt by the manager, public utilities sales, of a plumber's certificate issued in accordance with the preceding section, he shall have the authority to reduce the water bill to which such certificate relates in such an amount as may appear to him to be appropriate under the circumstances.

§ 5-2-53. SAME--SPOT-CHECKS OF PLUMBERS' CERTIFICATES.

It shall be the duty of the plumbing inspector to spot-check such plumbers' certificates as are received by the utilities department, in accordance with instructions from the manager, public utilities sales, who shall cause such spot-checks to be made with sufficient frequency to make the provisions of §§ 5-2-51 to 5-2-54 effective.

§ 5-2-54. SAME--REPAIRS TO BE MADE BEFORE ISSUANCE OF PLUMBERS' CERTIFICATES.

It shall be unlawful for any person engaged in the plumbing business to issue any certificate certifying that repairs or replacements have been made to any water works, plumbing fixtures or piping in Augusta-Richmond County until the repairs certified to in such certificate have been made and completed. When the manager, public utilities sales, receives confirmation satisfactory to him that any person has issued a plumber's certificate without having first made and completed the repairs as shown on such certificate, he shall cause such person to be prosecuted for violation of this section. Conviction of such person may result in the revocation of his plumbing license in addition to any other penalty that may be imposed.

§ 5-2-55. HOW WATER RENTS TO BE COLLECTED; DEFAULTS.

Water charges shall be collectible from the property owner or his agent, and upon default for the period prescribed the water shall be shut off from the premises, and shall not be furnished until all sums due for the water shall have been paid.

§ 5-2-70. SEWER ASSESSMENT CHARGES--GENERALLY.

(a) An assessment shall be made for the privilege of connecting or continuing connections of premises within Augusta-Richmond County with the sanitary sewer system of Augusta-Richmond County and upon the use of the sanitary sewer system of the Commission by persons residing within Augusta-Richmond County.

(b) The assessment charge for this privilege and use shall be made against the person in whose name the water meter serving the premises for which the charge is made is listed upon the records of the utilities department of Augusta-Richmond County.

(c) Effective September 1, 1996, the rates for sewer are established for as set forth in § 5-2-45.

(d) Where Augusta-Richmond County water is available, no connection to the sanitary sewer system of the Commission shall be made or permitted until the consumer is supplied with water from the water system of the Commission.

(e) Where the sanitary sewer system of the Commission is accessible and Augusta-Richmond County water is not available, the assessment charge for the residential use of the sanitary sewer system of the Commission will be eight dollars and thirty cents (\$8.30) per month. Any industrial user shall pay based upon the measured sewer in accordance with the rates set forth above.

(f) The assessment charge shall be shown upon the monthly water bill if there is one, otherwise for sewer charge only, and shall be paid and collected as water bills are paid and collected. All bills for such assessment charges shall be subject to a penalty of ten (10) percent if not paid by the expiration date shown on the bill.

(g) If any assessment charge is not paid within twenty (20) days from the date of the bill, water shall be shut off and sanitary sewer disconnected until arrears are paid, together with the additional fee for cutting on and off the water or reconnecting the sewer.

§ 5-2-71. SAME--SPECIAL COMMERCIAL OR INDUSTRIAL USERS.

(a) Where a person contributes industrial wastes to the sanitary system of Augusta-Richmond County, such person shall pay an industrial waste surcharge in addition to any sewer service charges to defray the cost of treating the above "normal" strengths waste in the amount of \$0.14 per pound.

(b) The Commission as it may be constituted at the time shall have authority to negotiate and fix an assessment charge for any commercial or industrial user of water of the Commission for the manufacture of a product where the volume of water consumption would result in unjust sanitary sewer charges, except as may be prohibited by law.

§ 5-2-72. DEFINITIONS.

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings given herein unless more specifically defined within other sections of this Article. When not inconsistent with the content, words used in the present tense include the future tense, and words in the single number include the plural number. The word "shall" is always mandatory and not discretionary.

(a) "Augusta" is a political subdivision of the State of Georgia that includes all of Richmond County.

(b) "Public Water Supply" means the waterworks system furnishing water to Augusta for general use, excluding the area furnished water by the City of Hephzibah, and which supply is recognized as the public water supply by the Georgia Department of Natural Resources/Environmental Protection Division.

(c) "Cross-Connection" means any physical connection whereby the public water supply is connected with any other water supply, whether public or private, either inside or outside of any building or buildings, in such a manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.

(d) "Auxiliary Intake" means any piping connection or other device whereby water may be secured from a source other than that normally used.

(e) "By-pass" means any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant or public water distribution system.

(f) "Inter-connection" means any system of piping or arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir or other device which does or may contain sewage or other waste or liquid which is capable of importing contamination to the public water supply.

(g) "Person" means any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

§ 5-2-73. PURPOSE.

The Augusta Utilities Department's Public Water Supply shall comply with Chapter 391-3-5-.13 of the Georgia Rules for Safe Drinking Water and PL 933-523 of the Federal Safe Drinking Water Act, Legally adopted by this Code, and which pertains to cross-connections, establishes an effective Policy and Procedures for Backflow Prevention By Containment Program to control these undesirable water uses.

§ 5-2-74. GENERAL PROVISIONS.

(a) No person shall cause a cross-connection, auxiliary intake, by-pass or inter-connection to be made or allow one to exist for any purpose whatsoever.

(b) Any person whose premises are supplied with water from the Augusta Public Water Supply, and who has also on the same premises a separate water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Director of the Augusta Utilities Department a statement attesting to the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes or interconnections. Such Statement shall also contain an agreement that no cross-connections, auxiliary intakes, bypass or interconnection will be permitted on the premises.

§ 5-2-75. INSPECTION.

(a) It shall be the duty of the Augusta Utilities Department to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved, and shall be established by the Director of the Augusta Utilities Department.

(b) The Director of the Augusta Utilities Department or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection in the Augusta Public Water Supply for the purpose of inspecting the piping system or systems thereof for cross-connections. On request, the owner or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

§ 5-2-76. OTHER INSTANCES WHERE PROTECTIVE DEVICES REQUIRED.

(a) Where the nature of use of the water supplied a premises by the Augusta Utilities Department's Public Water Supply is such that it is deemed:

(1) impractical to provide an acceptable air gap separation; or

(2) that the owner and/or occupant of the premises cannot or is not willing to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply; or

(3) that the nature and mode of operation within the premises are such that frequent alterations are made to the plumbing; or

(4) there is a likelihood that protective measures may be subverted, altered, or disconnected;

The Director of the Augusta Utilities Department, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be a shall be suitable for the service being protected and shall be of a type back-flow preventer approved by the Director of the Augusta Utilities Department as to the manufacture, model and size. The method of installation of the backflow protective devices shall be approved by the Director of the Augusta Utilities Department prior to installation and shall comply with the criteria set forth by the Augusta Utilities Department.

(b) The installation shall be at the expense of the owner or occupant of the premises.

(c) The Augusta Utilities Department shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the Director of the Augusta Utilities Department, or his designated representative.

(d) Water Service shall not be interrupted to test the device without the knowledge of the occupant of the premises.

(e) When the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where only one unit is installed and the continuance is critical, the Director of the Augusta Utilities Department shall notify in writing, the occupant of the premises of the plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel acceptable to the Director of the Augusta Utilities Department.

§ 5-2-77. SIGN REQUIREMENTS.

(a) The potable water supply made available on the properties served by the Augusta Utilities Department's Public Water Supply shall be protected from possible contamination as specified herein.

(b) Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

W A T E R U N S A F E

F O R D R I N K I N G

(c) Minimum acceptable sign shall have black letters one-inch high located on a red background.

§ 5-2-78. TIMEFRAME FOR COMPLIANCE.

Any person who now has cross-connections, auxiliary intakes, by-passes, or interconnections in violation of this policy shall be allowed a reasonable time within which to comply with the provisions of this policy. After a thorough investigation or the existing conditions and a appraisal of the time required to complete the work the amount of time shall be designated by the Director of the Augusta Utilities Department.

§ 5-2-79. PENALTY.

Whenever any person neglects or refuses to comply with any of the provisions of this Article the Director of the Augusta Utilities Department shall discontinue the public water supply service at the premises upon which there is found to be a cross-connection, auxiliary intake, by-pass or inter-connection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or inter-connection has been discontinued.

§ 5-2-80. RIGHT OF DIRECTOR TO SEVER CROSS-CONNECTION.

Whenever the Augusta water supply is involved, and in the opinion of the Director of the Augusta Utility Department any cross-connection endangers or potentially endangers the Augusta water supply, then the Director shall have the right to sever the cross-connection by shutting off the Augusta water supply.

§ 5-2-81. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid, unenforceable or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent, and severable provision and such holding shall not affect the validity of the remaining portions herein.

§ 5-2-82. PENALTY FOR VIOLATION OF ARTICLE.

Any person or persons failing to comply with the lawful provisions of this Article or any act prohibited hereby or failing to do any act mandated hereby shall be guilty of an offense and, upon trial as a misdemeanor and conviction, shall be subject to the penalties provided in § 1-6-1.

§ 5-2-110. DEFINITIONS.

(a) *Commercial*. Any type of building other than residential.

(b) *Construction*. The erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.

(c) *Residential*. Any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

§ 5-2-111. RESIDENTIAL STANDARDS.

On or after July 1, 1991, no construction may be initiated within Augusta-Richmond County for any residential building of any type which:

(a) Employs a gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of one and six tenths (1.6) gallons of water per flush; however, this paragraph shall not be applicable to one-piece toilets until July 1, 1992.

(b) Employs a shower head that allows a flow of more than an average of two and half (2.5) gallons of water per minute at sixty (60) pounds per square inch of pressure.

(c) Employs a urinal that uses more than an average of one (1.0) gallon of water per flush.

(d) Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than two (2.0) gallons of water per minute.

(e) Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than two and half (2.5) gallons of water per minute.

§ 5-2-112. COMMERCIAL STANDARDS.

On or after July 1, 1992, there shall be no construction of any commercial building initiated within Augusta-Richmond County for any commercial building of any type which does not meet the requirements of subparagraphs (a) through (e) of § 5-2-103.

§ 5-2-113. APPLICABILITY.

The requirements of § 5-2-103 shall apply to any residential construction initiated after July 1, 1991, and to any commercial construction initiated after July 1, 1992, which involves the repair or renovation of or addition to any existing building when such repair or renovation of or addition to such existing building includes replacement of toilets or showers or both.

§ 5-2-114. EXEMPTIONS.

(a) New construction and the repair or renovation of an existing building shall be exempt from the requirements of §§ 5-2-111, 5-2-112 and 5-2-113 when:

(1) The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets or showerheads within such existing buildings; or

(2) When such plumbing or sewage system within such existing building, because of its capacity, design or installation, would not function properly if the toilets, faucets or showerheads required by this article were installed; or

(3) Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or

(4) Units to be installed are:

a. Specifically designed for use by the handicapped;

b. Specifically designed to withstand unusual abuse or installation in a penal institution; or

c. Toilets for juveniles.

(b) The owner, or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subsection (a)(2), (3) or (4) of this section shall obtain the exemption by applying at the office of the building inspector. A fee of fifty dollars (\$50.00) shall be charged for the inspection and issuance of such exemption.

§ 5-2-115. ENFORCEMENT; PENALTY.

(a) This article shall be enforced by the office of the building inspector and/or the License & Inspection Department. Citations for violations may be issued by the chief building inspector or any inspector authorized to do so by the director of such departments.

(b) Any person, corporation, partnership or other entity violating this article shall be tried as a misdemeanor and upon conviction, shall be punished by a fine not to exceed one thousand dollars (\$1000.00) or imprisonment not to exceed sixty (60) days.

§ 5-3-1. GENERALLY.

This chapter shall be known as the *Sewer Use Ordinance* of Augusta-Richmond County.

§ 5-3-2. DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(a) *Act*. The Federal Water Pollution Control Act of 1972, Public Law 92-500 as amended by the *Clean Water Act of 1977* and as may be amended from time to time (33 U.S.C. 1251, et seq.).

(b) *Administrative action*. An enforcement action authorized by the Control Authority's legal authority which is taken without the involvement of a court.

(c) *Administrative fine*. A punitive monetary charge unrelated to actual treatment costs which is assessed by the Control Authority rather than a court.

(d) *Administrative order*. A document which orders the violator to perform a specific act or refrain from an act. For example, the order may require users to attend a show cause meeting, cease and desist discharging or undertake activities pursuant to a compliance schedule.

(e) *Approval authority*. The State of Georgia, Department of Natural Resources, Environmental Protection Division. The Approval Authority is responsible for approval and oversight of Control Authority pretreatment programs, including an evaluation of the effectiveness of local enforcement.

(f) *Augusta-Richmond County Commission*. The Augusta-Richmond County Commission, the governing body of Richmond County, Georgia, a political subdivision of the state of Georgia or their authorized agents or employees.

(g) *Authorized representative of an industrial user*. Any one of the following:

(1) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having annual sales or expenditures exceeding \$25 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures, if the Industrial User is a corporation.

(2) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively.

(3) A duly authorized representative of the individual above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates and written authorization has been submitted to the Control Authority by the individual described in (1) or (2) above.

(h) *Biochemical Oxygen Demand (BOD)*. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade expressed in milligrams per liter.

(i) *Board of Health*. The Richmond County Board of Health or an authorized agent or representative.

(j) *Building Inspector*. The chief building inspector of Augusta-Richmond County or his authorized agent or representative.

(k) *Building sewer*. The extension from the building drain to the public sewer or other place of disposal, also called house connection.

(l) *Categorical Standards*. The National Categorical Pretreatment Standards or Pretreatment Standards.

(m) *CFR*. Denotes the Code of Federal Regulations.

(n) *cfs*. Cubic feet per second

(o) *Chain-of-Custody*. A written record of sample possession for all persons who handle (collect, transport, analyze, dispose of) a sample, including names, dates and times.

(p) *Chemical Oxygen Demand (COD)*. A measure of the oxygen required to oxidize organic and oxidizable inorganic compounds in water.

(q) *Combined sewer*. A sewer intended to receive both wastewater and storm or surface water.

(r) *Committee*. The Engineering Services Committee of the Commission of Augusta-Richmond County.

(s) *Community sewer*. Any public sewer containing wastewater from more than one premise.

(t) *Compatible pollutants*. BOD, suspended solids, pH, fecal coliform bacteria, ammonia, and such additional pollutants as are now, or may in the future, be specified and controlled in this Augusta-Richmond County's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

(u) *Compliance order*. An administrative order directing a noncompliant industry to achieve or restore compliance by a date specified in the order.

(v) *Compliance schedule*. A schedule of required activities (also called milestones) necessary for an Industrial User to achieve compliance with all pretreatment program requirements.

(w) *Composite sample (24-hour)*. The makeup of a number of individual samples, collected during a 24-hour period in which the portions of the sample are proportionate to the flow to represent the nature of wastewater or industrial wastes.

(x) *Contaminated nonprocess wastewater*. Any water which, during manufacturing or processing, comes into incidental contact with any raw material, intermediate product, finished product, by-product or waste product by means of (1) rainfall runoff; (2) accidental spills; (3) accidental leaks caused by the failure of process equipment, which are repaired within the shortest reasonable time not to exceed 24 hours after discovery; and (4) discharges from safety showers and related personal safety equipment: Provided, that all reasonable measures have been taken (i) to prevent, reduce and control such contact once it has occurred.

(y) *Control authority*. Augusta-Richmond County's Director of Utilities or his duly authorized representative or agent.

(z) *Conventional pollutants*. Pollutants described as BOD, suspended solids, pH, fecal coliform bacteria, Oil and Grease, Phosphorous, Total Kjeldahl Nitrogen and such additional pollutants as are now or may in the future be specified and

controlled in Augusta-Richmond County's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

(aa) *Cooling water*. The water discharged from any use such as air conditioning, cooling, refrigeration or to which the only pollutant added is heat.

(bb) *Director of Utilities*. The individual employed in such capacity by the Commission; his duly authorized agent, deputy or representative.

(cc) *Discharge*. The discharge of a pollutant or the discharge of pollutants.

(dd) *Direct discharge*. The discharge of treated or untreated wastewater directly to the Waters of the State of Georgia.

(ee) *Discharge of a pollutant and discharge of pollutants*. Each means:

(1) Any addition of any pollutant or combination of pollutants to navigable waters from any point source, or

(2) Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft when being used as a means of transportation.

This definition includes discharges into waters of the United States from surface runoff which is collected or channeled by man; discharges through pipes, sewers or other conveyance owned by a state; municipality or other party that do not lead to treatment systems; and discharges through pipes, sewers or other conveyances, leading to treatment systems owned in whole or in part by a third party other than a state or municipality.

(ff) *Domestic sewage or normal sewage*. Any wastewater which is within the limits established by § 5-3-5 of this chapter, not exceeding the following parameters: BOD - 200 mg/l, TSS - 200 mg/l, Grease - 100 mg/l

(gg) *Emulsified grease*. Grease in a colloidal state such that it remains dispersed throughout the liquid and will not separate by gravity until the colloidal agent is inactivated.

(hh) *EPD*. The State of Georgia Department of Natural Resources, Environmental Protection Division or its duly authorized representative.

(ii) *Flammable*. To be defined by existing fire regulations covering Augusta-Richmond County.

(jj) *Floatable grease*. Grease in a state such that it is insoluble in the liquid waste and will separate from the liquid by gravity in properly designed grease separation facilities.

(kk) *Garbage*. The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

(ll) *Grab sample*. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(mm) *Grease*. That material which may be extracted from the acidified sample of sewage or industrial waste by

petroleum ether or trichloro-trifluoro-ethane as prescribed in the currently approved edition of Standard Methods for the Examination of Water and Wastewater, as amended, and published by the American Public Health Association and others. Such materials include fats, oils, waxes and related compounds of animal, vegetable or mineral origin.

(nn) *Hazardous substance*. Any substance designated under 40 CFR Part 261 pursuant to Section 311 of the Clean Water Act.

(oo) *Holding tank waste*. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks utilized to store, treat or transport waste.

(pp) *Incompatible pollutant*. Any pollutant which is not a *compatible pollutant* as defined in this section.

(qq) *Indirect discharge*. This discharge or introduction of non-domestic wastewater from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to the waters of the state.

(rr) *Industrial wastes*. The wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

(ss) *Influent*. The wastewaters arriving at Augusta-Richmond County's wastewater treatment plant for treatment.

(tt) *Interference*. A Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment process or operations, or its sludge processes, use or disposal and

(2) Therefore cause a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits thereunder (or more stringent State or local regulations):

a. Section 405 of the Clean Water Act;

b. The Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA);

c. The Clean Air Act;

d. The Toxic Substances Control Act; and

e. The Marine Protection, Research and Sanctuaries Act.

(uu) *Legal authority*. The source of a Control Authority's jurisdiction and regulatory powers.

(vv) *Mass emission rate*. The weight of material discharged to the community sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or

combination of constituents.

(ww) *May*. Is permissive (See *Shall*).

(xx) *Metered water*. The amount of all sources of water, including wells, consumed by the sewer customer.

(yy) *mgd*. Millions of gallons per day.

(zz) *mg/L*. Denotes milligrams per liter and shall mean ratio by weight, interchanged with ppm.

(aaa) *National Categorical Pretreatment Standard of Categorical Standard*. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) or (c) of the Act (33 U.S.C. 1347), which applies to a specific category of Industrial Users.

(bbb) *National Pollutant Discharge Elimination System (NPDES)*. The program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into navigable waters pursuant to Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342).

(ccc) *National Prohibitive Discharge Standard or Prohibitive Discharge Standard*. Any regulation developed under the authority of Section 307 (b) of the Act and 40 C.F.R. Section 403.5.

(ddd) *New source*. Any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(1) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of (1) or (2) above but otherwise alters, replaces, or adds to existing process or production equipment.

(4) Construction of a new source has commenced if the owner or operator has:

a. Begun, or caused to begin as part of a continuous onsite construction program:

1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing structures, buildings or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a building contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation.

(eee) *Notice of violation*. A Control Authority document notifying an Industrial User that it has violated pretreatment standards and requirements. Generally used when the violation is relatively minor and the Control Authority expects the violation to be corrected within a short period of time.

(fff) *Other pollutants*. The pollutants found in water or wastewater except as identified as conventional pollutants including, but not limited to, metals, volatile organics and pesticides that wastewater treatment plants have not been designed to treat.

(ggg) *Pass Through*. A Discharge which exits the POTW into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(hhh) *pH*. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution. A stabilized pH will be considered as a pH which does not change beyond the specified limits when the waste is subject to aeration. pH shall be determined by standard methods as hereinafter defined.

(iii) *POTW*. See Publicly Owned Treatment Works.

(jjj) *ppm*. Parts per million, ppm may be used interchangeably with milligrams per liter.

(kkk) *Pretreatment*. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d).

(lll) *Pretreatment requirements*. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.

(mmm) *Pretreatment Standard or National Categorical Pretreatment Standard*. Any regulation established by the U.S. Environmental Protection Agency in accord with sections 307(b) and 307(c) of the Clean Water Act (33 USC 1347) which contains pollutant discharge limits which apply to a specific category of Industrial Users.

(nnn) *Priority pollutant*. Any contaminant in water which is identified as being toxic, carcinogenic, mutagenic, teratogenic or is chemically similar to compounds identified as such by EPA. This list includes 129 compounds and such other compounds as may be added from time to time.

(ooo) *Process wastewater*. Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

(ppp) *Proprietary information*. Information about a commercial chemical, product or process which is considered to be confidential business information or a trade secret by an Industrial User because if divulged, the information could put the Industrial User at an unfair competitive disadvantage with competitors in the same industry.

(qqq) *Publicly Owned Treatment Works (POTW)*. A treatment works as defined by Section 212 of the Act (33 USC 1292) which is owned, in this case, by Augusta-Richmond County. This definition includes any sewers that convey wastewater to such treatment works, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term shall also mean Augusta-Richmond County, a governmental body which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(rrr) *Residential*. A class of housing customers, using the sewer system, typically providing a waste effluent not in excess of the following parameters: BOD-200 mg/L; S.S.-200 mg/L; and Grease-100 mg/L.

(sss) *Sanitary sewer*. A sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

(ttt) *Self monitoring*. Sampling and analysis of wastewater performed by the Industrial User.

(uuu) *Septic tank waste*. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(vvv) *Sewage*. A combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

(www) *Sewer*. A pipe or conduit that carries wastewater or drainage water.

(xxx) *Sewerage*. The entire system of sewage collection, treatment and disposal.

(yyy) *Shall*. Is mandatory (See *May*).

(zzz) *Significant Industrial User* shall mean:

(1) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

(2) Any other industrial user that:

a. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow-down wastewater;

b. Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of POTW treatment plan; or

c. Is designated as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the industrial

user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(3) Upon a finding that an industrial user meeting the criteria in paragraph (2) of this subsection has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority (as defined in 40 CFR 403.12(a)) may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

(aaaa) *Significant Noncompliance* shall include the following:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

(5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

(bbbb) *Slug*. Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period or duration longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration of flows during normal operation.

(cccc) *Spill*. A release of wastewater, occurring or arising by chance or unexpectedly, to the sewerage system or to a natural or man-made outlet.

(dddd) *Standard Industrial Classification (SIC)*. The classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(eeee) *Standard methods*. Those sampling and analysis procedures established by and in accordance with EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended or the *Standard Methods of the Examination of Water and Wastewater* as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. In cases where procedures vary, the EPA methodologies shall supersede.

(ffff) *State*. State of Georgia.

(gggg) *Surcharge*. A charge for treating pollutant loadings above design domestic levels.

(hhhh) *Suspended solids (SS)*. Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids and that is removable by laboratory filtering prescribed in 40 CFR 136 which references *Standard Methods for the Examination of Water and Wastewater*, latest edition, as published by the American Public Health Association, and others, and referred to as nonfilterable residue.

(iiii) *Toxic pollutant*. Sixty-five classes of pollutants included in the Clean Water Act of 1977, and under section 307, such other pollutants as the administrator determines to be harmful to organisms when discharged into waters. Upon review of these sixty-five classes of pollutants, the Administrator has designed 129 specific compounds as priority pollutants.

(jjjj) *Upset*. An exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the control of the Industrial User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operation.

(kkkk) *USC*. Denotes United States Code.

(llll) *Wastewater contribution permit*. As set forth in § 5-3-8 of this chapter.

(mmmm) *Wastewater treatment works*. An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with *waste treatment plant*, *wastewater treatment plant* or *water pollution control plant*.

(nnnn) *Water pollution control agencies of jurisdiction*. The Federal Environmental Protection Agency (EPA) operating under authority of the Federal Water Pollution Control Act, as amended, and the Georgia Environmental Protection Division operating under the authority of the Georgia Water Quality Control Act, as amended, each of which agencies is empowered to adopt such rules and regulations as it deems necessary to carry out the intent of these respective laws.

(oooo) *Waters of the state of Georgia*. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs and aquifers.

The following abbreviations shall have the following meanings:

- (1) CFR: Code of Federal Regulation
- (2) COD: Chemical Oxygen Demand
- (3) GMP: Good Management Practices
- (4) L: Liter
- (5) mg: Milligram
- (6) mg/L: Milligram per liter
- (7) WPCF: Water Pollution Control Federation
- (8) WPCP: Water Pollution Control Plant
- (9) WWTP: Wastewater Treatment Plant

§ 5-3-3. USE OF PUBLIC SEWERS.

(a) *Unsanitary offensive deposits on property--generally.* It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within Augusta-Richmond County or any area under the jurisdiction of said Augusta-Richmond County, any human or animal excrement, garbage or other objectionable waste.

(b) *Discharging waste to natural outlets.* It shall be unlawful to discharge to any natural outlet within Augusta-Richmond County or in any area under the jurisdiction of said Augusta-Richmond County, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

(c) *Private sewage disposal.* Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(d) *Sewer connection required if available.* The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within Augusta-Richmond County and abutting on any street, alley or right-of-way in which there is located a public sanitary or combined sewer of Augusta-Richmond County, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that said public sewer is within 200 feet (61 meters) of the property line.

§ 5-3-4. PRIVATE SEWAGE DISPOSAL.

(a) *Connection to private system.* Where a public sanitary or combined sewer is not available under the provisions of § 5-3-3(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

(b) *Refer applications to Health Department.* Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit. The application for such permit shall be made on a form furnished by the Board of Health, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Director of Utilities.

(c) *Inspection of private systems.* A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Board of Health. It shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the Board of Health when the work is ready for final inspection and before any underground portions are covered, excluding the building sewer to private sewer disposal system.

(d) *Acceptable private sewage disposal.* The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Human Resources of the State of Georgia. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) *Connection to public sewer required if available.* At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 5-3-3(d), a direct connection shall be made to the public sewer in compliance with this chapter and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material. When a public sewer becomes available, the building sewer shall be connected to said sewer within 90 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt by the Owner.

(f) *Private operation and funding.* The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to Augusta-Richmond County.

(g) *Richmond County Health Department.* No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Board of Health.

(h) *Septic tank hauler.* It shall be unlawful for a private septic tank pumpout hauler to deposit sewage in a manhole or other point of discharge in Augusta-Richmond County's POTW without approval of point of discharge and payment of fees as established by § 5-3-9.

5-3-5. PROHIBITIONS AND LIMITATIONS OF WASTEWATER DISCHARGES INTO THE PUBLICLY OWNED TREATMENT WORKS.

(a) *General discharge prohibitions.* A User may not introduce into a POTW any pollutants which cause Pass Through or Interference. This general prohibition and the specific prohibitions below apply to each User introducing pollutants into a POTW whether or not the User is subject to other National Pretreatment Standards or any other national, State, or local Pretreatment Requirements. A User may not contribute the following substances to the POTW:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited substances include, but are not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to: gasoline, kerosene, naptha, benezene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substances which have been determined to be a fire hazard to the system.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(3) Any wastewater having a pH less than 6.0 or greater than 9.0 at any time, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the WWTP or to exceed the limitations set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act. In the event of toxicity being found in the POTW, the Director of Utilities may at his/her discretion require Industrial Users to participate in a Toxicity Reduction Evaluation in accordance with the provisions of the POTW treatment plant's NPDES permit.

(5) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems. Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance of hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(6) Any substance which may cause the WWTP's effluent, or any other product of the WWTP such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the WWTP to be in non-compliance with the sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

(7) Any substance which will cause the WWTP to violate its NPDES Permit or the receiving water quality standards.

- (8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (9) Any wastewater having a temperature which will inhibit biological activity in the WWTP, but in no case wastewater which will cause the temperature at the Influent of the WWTP to exceed 40 degrees C (104 degrees F). No User shall discharge into any sewer line or other appurtenances of the POTW wastewater with a temperature exceeding 65.5 degrees C (150 degrees F).
- (10) Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate or pollutant concentration which will cause interference to the WWTP. In no case, shall a slug load have a flow rate or contain concentration or qualities of pollutants at its introduction into the POTW that exceed for any time period longer than 15 minutes more than 5 times the average 24-hour concentration, quantities or flow during normal operation.
- (11) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Director of Utilities in compliance with applicable State or Federal regulations.
- (12) Any wastewater which causes a hazard to human life, creates a public nuisance or endangers the environment.
- (13) Any surface run-off waters unless specifically permitted by the Director of Utilities.
- (14) Sludges, screening, or other residues from the pretreatment of industrial wastes.
- (15) Medical wastes, except as specifically authorized by the Director of Utilities in a wastewater discharge permit.
- (16) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (17) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter.
- (19) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (20) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

The Director of Utilities, as applicable, shall establish limitations or prohibitions in the wastewater discharge permit of any User as necessary to achieve the purpose and policy of this Chapter.

(b) *Limitations on the use of garbage grinders.* Waste from garbage grinders shall not be discharged into a community sewer except where generated in preparation of food consumed on the premises. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the community sewers. Garbage grinders shall not be used for the grinding of plastics, paper products, inert materials or garden refuse. This provision shall not apply to domestic residences.

(c) *Limitations on point of discharge.* No person shall discharge any substance directly into a manhole or other opening in a community sewer other than through an approved building sewer, unless he shall have been issued a permit by the Director of Utilities.

(d) *Septic tank pumping, hauling and discharge.* No person owning vacuum or cesspool pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the WWTP, unless such person shall first have applied for and received a Truck Discharge Operation Permit from the Richmond County Board of Health. All applicants for a Truck Discharge Operation Permit shall complete such forms as required by the Richmond County Board of Health, pay appropriate fees and agree in writing to abide by the provisions of this Chapter, regulations established by Augusta-Richmond County or any special conditions established by the Director of Utilities. The Director of Utilities shall designate the locations and times where such trucks may be discharged and may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto.

(e) *Other holding tank waste.* No person shall discharge any other holding tank waste or hauled industrial waste into the WWTP unless he shall have applied for and have been issued a Truck Discharge Operation Permit by the Director of Utilities. Unless otherwise allowed under the terms and conditions of the permit, the permit shall state the specific location of the discharge, the volume of the discharge and the wastewater constituents and characteristics of the discharge. Such User shall pay any applicable charges or fees therefor, and shall comply with the conditions of the permit issued by the Director of Utilities. Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle's tank.

(f) *Limitations on wastewater strength.* No person or User shall discharge wastewater in excess of the concentration set forth in the table below unless the wastewater discharge permit of the User provides as a special permit condition a higher interim concentration level and a requirement that the User construct a pretreatment facility or institute changes in operations and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the discharge permit within a fixed period of time.

MAXIMUM CONCENTRATION (mg/L)

<u>PARAMETER</u>	<u>24-HOUR COMPOSITE SAMPLE</u>
Arsenic	0.03 mg/L
Cadmium	0.50 mg/L
Chromium (T)	2.50 mg/L

Copper	1.0 mg/L
Lead	0.290 mg/L
Mercury	0.026 mg/L
Nickel	2.0 mg/L
Silver	0.16 mg/L
Zinc	4.2 mg/L
Phenol	2.2 mg/L
BOD	500 mg/L
TSS	500 mg/L
Ammonia as Nitrogen	100 mg/L

<u>PARAMETER</u>	MAXIMUM CONCENTRATION, mg/l
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INSTANTANEOUS SAMPLE (GRAB)

Daily maximum

Total Toxic Organics	2.13
Cyanide	0.030
Oil and Grease, Total	500
Petroleum and Mineral	100
Chloroform	0.40
Methylene Chloride	1.00

Phenol	1.20
Toluene	1.30

If Federal Categorical Standards establish limits for a pollutant more stringent than those established in the table above, the Categorical Standards will take precedence. Augusta-Richmond County has adopted the categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N, parts 405-471, as required by 40 CFR part 403.6. In addition, Augusta-Richmond County may limit the discharge of specific substances listed or not listed above on a case-by-case basis, if the discharge of that substance is shown to interfere with the operation or performance of the receiving POTW or violates any receiving stream water quality standards. (Ord. # 6044, June 2, 1998)

(g) *Criteria to protect the treatment plant.* The Director of Utilities shall monitor the treatment works' influent for each parameter listed in § 5-3-5 (f). In the event that concentrations reach levels that may inhibit the plant's treatment processes, cause the biosolids to be unsuitable for land application, or cause water quality violations in the receiving stream, the Director of Utilities shall initiate technical studies to determine the cause of the high influent concentration, and shall recommend to Augusta-Richmond County Commission such remedial measures as are necessary, including but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The Director of Utilities shall also recommend changes to any of the criteria in the event the WWTP effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the WWTP.

(h) *Pretreatment requirements.* Users of the treatment plant shall design, construct, operate and maintain wastewater pretreatment facilities whenever necessary to reduce or modify the User's wastewater constituency to achieve compliance with the limitations in wastewater strength set forth in § 5-3-5 (f), to meet applicable National Pretreatment Standards or to meet any other wastewater condition of limitation contained in the User's wastewater discharge permit.

(i) *Plans and specifications.* Plans, specifications and operating procedures for such wastewater pretreatment facilities shall be prepared by a registered engineer and shall be submitted to the Director of Utilities for review in accordance with accepted engineering practices. The Director of Utilities shall review said plans within 45 days and shall recommend to the User any appropriate changes. Prior to beginning construction of said pretreatment facility, the User shall submit a set of construction plans and specifications to be maintained by the Director of Utilities. Prior to beginning construction, the User shall also secure such building, plumbing or other permits that may be required by Augusta-Richmond County. The User shall construct said pretreatment facility within the time provided in the User's wastewater discharge permit. Following completion of construction, the User shall provide the Director of Utilities with two sets of *as-built* drawings to be maintained by the Director of Utilities. In reviewing

plans and specifications, Augusta-Richmond County assumes no liability in the event the pretreatment facilities do not function properly.

(j) *State requirements.* State requirements and limitations on discharge shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Chapter.

(k) *Augusta-Richmond County's Right of Revision.* Augusta-Richmond County reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary.

(l) *Dilution prohibited.* No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards or in any other pollutant-specific limitation developed by Augusta-Richmond County or State. Augusta-Richmond may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate.

(m) *Prevention of accidental discharges.* All Industrial Users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the WWTP of waste regulated by this chapter from liquid or raw material storage areas, from truck and railcar loading and unloading areas, from in-plant transfer or processing and material handling areas and from diked area or holding ponds of any waste regulated by this Chapter. The wastewater discharge permit of any User who has a potential of significant leaks, spills or other accidental discharge of waste regulated by this Chapter shall be subject to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge. Plans, specifications and operating procedures for such special permit conditions shall be developed by the User and submitted to the Director of Utilities for review under the provisions of § 5-3-5 (j).

At least once every two (2) year, the Director of Utilities shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Director of Utilities may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Director of Utilities may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge particles, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the Director of Utilities of any accidental or slug discharge, as required by § 5-3-14 (c); and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

§ 5-3-7. FEES.

(a) *Purpose.* It is the purpose of this Section to provide for the recovery of costs from Users of Augusta-Richmond County's Wastewater disposal system.

(b) *Charges and fees.* Augusta-Richmond County may adopt charges and fees for the following:

- (1) Fees for reimbursement of cost of setting up and operating Augusta-Richmond County's Pretreatment Program;
- (2) Fees for monitoring, inspections and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Surcharge fees;
- (5) Fees for filing appeals;
- (6) Fees as Augusta-Richmond County may deem necessary to carry out the requirements contained herein;
- (7) Fees for septic and other holding tank waste.

These fees relate solely to the matters covered by this Chapter and are separate from all other fees chargeable by Augusta-Richmond County.

§ 5-3-8. SYSTEM OF SURCHARGES TO INDUSTRIAL WASTE CONTRIBUTORS.

(a) *Determination of Industrial Waste Surcharge.* Where a person contributes Industrial Wastes to the Sanitary System of Augusta-Richmond County, such person shall pay an Industrial Waste Surcharge in addition to any sewer service charges in order to defray the cost of treating the above "normal" strength waste.

(1) The BOD and suspended solids content of Industrial Waste shall be evaluated following procedures outlined in 40 CFR 136 which cites "Standard Methods" and regulations stated elsewhere in this Chapter.

(2) When either or both the suspended solids and BOD of wastes accepted into Augusta-Richmond County's sewage system exceed 200 mg/l, the excess quantities of either or both, shall be subject to a surcharge to be calculated using the following formula as set for in paragraph (b) below.

(3) BOD, TSS and Flow discharges will be evaluated every six (6) months in conjunction with the establishment of surcharge rates. Any Industrial User found to be discharging BOD or TSS in excess of permitted mass values (pounds per day) or Flow in excess of permitted volume will be notified.

Failure to take action in the following six month period will result in an administrative enforcement action being taken.

Any and all actions taken under these guidelines are taken in lieu of judicial enforcement actions. Augusta-Richmond County reserves the right to pursue judicial enforcement against any Industrial User at any time during the progressive deterrent procedure as may be deemed necessary.

(b) Formula Determining Surcharge:

(1) The surcharge rate for each Industrial User shall be determined according to the following formula:

$$\text{Formula: } (B + S) \times 0.00834 \times C = R$$

Where:

B = BOD strength, in milligrams per liter, above that established for normal sewage.

S = Suspended Solids strength, in milligrams per liter, above that established for normal sewage.

C = Cost factor in dollars per pound (The cost factor "C" shall be set annually, based on an evaluation of treatment cost. Any adjustments to this factor shall become effective when approved by the Augusta-Richmond County Commission. Rates are published in the Rate Ordinance issued by the Augusta-Richmond County Commission.

R = Calculated Surcharge Rate in dollars per 1,000 gallons.

(2) The surcharge rate of any Industrial User may be changed semi-annually when analysis shows the BOD or SS content values have increased or decreased based on methods developed by the Director of Utilities and approved by Commission.

(c) *Extraneous Flows*. In the event that metered water usage is not indicative of the amount of discharge being introduced to the sewage system, a means of determining the amount of discharge will be installed at the direction of the Supervisor of Water Pollution Control. All proposed discharge metering devices must be submitted for approval, and will be installed and maintained at no cost to Augusta-Richmond County. The Supervisor of Water Pollution Control may require annual proof of calibration of such devices.

(d) *Additional Meters*. In the event that a person discharging Industrial Wastes into Augusta-Richmond County's Sanitary Sewer System has a discharge of wastewater less than his water usage, such person can, at his option, provide a discharge metering device subject to the Director of Utilities's approval. This device will be installed and maintained at no cost to Augusta-Richmond County. An additional charge to be determined by the Director of Utilities will be made to cover the actual and administrative costs of reading the meter.

(e) *Multiple Discharge Locations*. In the event that a person discharging Industrial Waste into Augusta-Richmond County's Sanitary Sewer System discharges through more than one outlet, his Surcharge Rate shall be established based on his highest strength discharge unless all discharges are properly metered. If all discharges are properly metered, the wastewater strength used to establish the Surcharge Rate will be computed as follows:

For BOD:

$$(B_1 \times Q_1) + (B_2 \times Q_2) + (B_3 \times Q_3)$$

$$\underline{\hspace{10em}} = \text{Composite BOD}$$

$$(Q_1 + Q_2 + Q_3)$$

Where: B_n = BOD of Discharge Number n

Q_n = Flow of Discharge Number n

For Suspended Solids:

$$(S_1 \times Q_1) + (S_2 \times Q_2) + (S_3 \times Q_3)$$

$$\underline{\hspace{10em}} = \text{Composite SS}$$

$$(Q_1 + Q_2 + Q_3)$$

Where: S_n = Suspended Solids of Discharge Number n

Q_n = Flow of Discharge Number n

The Surcharge Rate will then be established as described in § 5-3-8.

(f) *Disputed Analysis; Regauging and Sampling of Waste.* In the event that the analysis of wastes determined by the samplings and gauging of wastes as analyzed by a Augusta-Richmond County Employee is disputed by the Industrial User, a program of resampling and gauging, with subsequent chemical determinations may be instituted as follows:

(1) The person or Industrial User disputing the analysis must submit a request for resampling and gauging of their industrial waste to the Director of Utilities. Such request must be written and shall act to bind the Industrial User to bear the cost incurred by Augusta-Richmond County in the resampling, gauging and subsequent chemical determination of the wastes.

(2) The Chemist or Engineer employed by the company responsible for the request submitted to Augusta-Richmond County shall be required to confer with the Director of Utilities who is in charge of gauging and sampling the industrial waste of that company. Said Chemist or Engineer shall work with the Director of Utilities to establish the length of the re-run and the methods to be employed to determine the flow and to sample the flow.

(3) The Chemist or Engineer employed by the Industrial User may be present during the gauging and sampling operations, as well as, be present in Augusta-Richmond County laboratory during the chemical determination of the analysis.

(4) The results of the analysis, determined from the quantity and quality of the flow shall be considered the analysis of record and shall be used to establish the Industrial User's Class following the method referred to in § 5-3-8.

§ 5-3-9. SYSTEM OF SURCHARGES TO SEPTIC TRUCK HAULERS.

(a) Liquid waste from Nonindustrial Users hauled to the treatment plant shall be charged a fee on the volume discharged into the wastewater treatment plant.

(b) Liquid waste hauled to the WWTP containing pollutants in excess of the limits set forth in § 5-3-5 (f), shall not be accepted.

(c) The fees for septic haulers shall be billed on a monthly basis and are due upon receipt of invoices.

(d) For billing purposes, waste hauled by septic truck haulers shall be divided into two classes:

(1) CLASS A: Septage from single family residences, portable toilets, and any other waste proven to have a total of Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) of 20,000 mg/L or less.

Example: BOD = 10,000 TSS = 5,000

Total = 15,000

(2) CLASS B: All other waste.

(3) Sub Class B1 Commercial Waste: Grease traps, Septage from other than single family residences, holding tank waste, etc.

(4) Sub Class B2 Industrial Waste: Waste generated as a result of an industrial process of any waste removed from an industrial site (except portable toilets).

(e) Disposal fees for these classes of waste shall be as follows:

<u>CLASS A</u>	<u>CLASS B</u>
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\$28.00/1,000 gallons	\$67.50/1,000 gallons
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(f) Trucks used for hauling wastes must be equipped with an approved device or method for determining the volume of waste in the tank. Trucks not so equipped will be charged based on tank capacity.

(g) In order for waste other than septage from single family residences and portable toilets to be

classified as Class A, analyses must be performed which indicate the sum of BOD and TSS concentrations is 20,000 mg/L or less. This must be established before the waste is delivered to the treatment plant. (NOTE: BOD analysis takes six days.) These analyses may be performed by any qualified laboratory, and the cost will be the responsibility of the waste generator or the waste hauler and not Augusta-Richmond County.

(h) Industrial Waste (as defined in "D" above) must be pre-approved for disposal. The requirements for obtaining approval will vary depending on the type of waste involved and approval will either be granted or denied on a case-by-case basis.

(i) Waste haulers will bear the responsibility of proving the origin of the waste being hauled. This can be done by producing a manifest, work order, invoice or other form signed by the customer which indicated the type of waste and the location from which it was removed. These records must be maintained for not less than one year and must be available for inspection by Augusta-Richmond County or the Richmond County Health Department upon request.

(j) Waste will be received for disposal on Monday through Friday from 8:00 A.M. to 7:00 P.M. If there is a need to utilize the disposal facility outside these normal hours, a request should be made in advance. Every effort will be made to comply with such reasonable requests.

§ 5-3-10. TREATMENT COSTS OF OTHER POLLUTANTS.

Treatment of Industrial Pollutants other than BOD and SS which increase the cost of operation of Augusta-Richmond County's treatment facility shall be subject to surcharge based on the cost of treatment. Determination of the surcharge shall be made by the Director of Utilities.

§ 5-3-11. SPECIAL AGREEMENTS.

Nothing in this Chapter shall be construed so as to prevent any special agreement between Augusta-Richmond County and an Industrial Waste Contribution whereby Augusta-Richmond County may waive any requirements of this Chapter; provided, however, that such agreement does not conflict with any State or Federal Regulations.

§ 5-3-12. WASTEWATER DISCHARGE PERMIT.

(a) *Applicability.* The provisions of this section are applicable to all Industrial Users of the POTW. Any permits issued hereunder to Industrial Users who are subject to or who become subject to a *National Pretreatment Standard* as that term is defined in 40 C.F.R. 403.3(i) shall be conditioned upon the Industrial User also complying with all applicable substantive and procedural requirements promulgated by the Environmental Protection Agency or the State of Georgia in regard to such *National Pretreatment Standards*.

(b) *Industrial waste questionnaire requirement.* Any commercial or Industrial User may be required to complete an industrial waste questionnaire as requested by the Director of Utilities. The report shall contain all or applicable portions of the following:

(1) The name and address of the Industrial User;

(2) The location of such Industrial User;

(3) The nature, average rate of production and Standard Industrial Classification of the operation(s) carried out by such Industrial User;

(4) The average and maximum flow of the discharge from such Industrial User to the POTW, in gallons per day;

(5) The nature and concentration of pollutants in the discharge from each regulated process from such Industrial User and identification of any applicable Pretreatment Standards and Requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable Pretreatment Standard. If an equivalent with any Pretreatment Standard, this adjusted concentration limit shall also be submitted to the Director of Utilities for approval;

(6) A statement, reviewed by an authorized representative of the Industrial User (as defined in § 5-3-2), and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirement; and

(7) If additional pretreatment or operation and maintenance procedures will be required to meet the Pretreatment Standards, then the report shall contain the shortest schedule by which the Industrial User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

In this paragraph, when the context so indicates, the phrase "Pretreatment Standard" shall include either a National Pretreatment Standard or a pretreatment standard imposed as a result of the User's discharging any incompatible pollutant regulated by § 5-3-5 hereof. The term "pollutant" shall include any pollutant identified in a National Pretreatment Standard or any incompatible pollutant identified in § 5-3-5 hereof.

(c) *Permit applications.* All Industrial Users shall discharge wastewater only in accordance with the conditions of their Wastewater Discharge Permit. All Industrial Users shall apply for and obtain a Wastewater Discharge Permit in the manner here in after set forth. Permit application forms will be sent to affected Industrial Users by Augusta-Richmond County following promulgation of a categorical standard or a determination by Augusta-Richmond County that a permit be issued. A permit application shall be submitted by the User, accompanied by a fee set by Augusta-Richmond County, within 180 days after promulgation of a Categorical Standard or a determination by Augusta-Richmond County that a

permit be issued. All original applications shall be accompanied by a report containing this information specified in subsection (b) hereof. All original applications shall also include a site plan, floor plan, mechanical and plumbing plans with sufficient detail to show all sewers and appurtenances in the User's premises by size, location and elevation; and the User shall submit to the Director of Utilities revised plans whenever alterations or additions to the User's premises by size, location and elevations; and the User shall submit to the Director of Utilities revised plans whenever alterations or additions to the User's premises affect said plans. The Director of Utilities may require the submission of the above information from any Permittee who has not yet done so.

(d) *Incomplete application.* The Director of Utilities will act only on complete applications. Persons who have filed incomplete applications will be notified by the Director of Utilities that the application is deficient and the nature of such deficiency and will be given 30 days to correct the deficiency. If the deficiency is not corrected within 30 days or within such extended period as allowed by the Director of Utilities, the application will be denied and the applicant notified in writing of such action.

(e) *Permit conditions.* Upon receipt of complete applications, the Director of Utilities shall review and evaluate the applications and shall propose such special permit conditions as he deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of this Chapter and all other applicable Ordinances, laws and regulations. The wastewater discharge permit must include the following:

(1) A statement of duration;

(2) A statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing permit to the new owner or operator;

(3) Limits on the average and maximum wastewater constituents based on applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits, and State and local law;

(4) Limits on average and maximum rate of discharge or requirements for flow regulations and equalization;

(5) Specifications for self-monitoring programs which must include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

(6) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any other compliance schedule. Such compliance schedules may not extend the compliance date beyond applicable federal deadlines;

(7) Other conditions as deemed appropriate by Augusta-Richmond County to ensure compliance with this Chapter.

(f) *Applicant notified of proposed permit conditions.*

(1) Upon completion of his evaluation, the Director of Utilities shall notify the applicant of any special permit conditions which he proposes be included in the wastewater discharge permit.

(2) The applicant shall have 45 days from and after the date of the Director of Utilities's recommendation for special permit conditions to review same and file written objections with the Director of Utilities in regard to any special permit conditions recommended by the Director of Utilities. The Director of Utilities may, but shall not be required to, schedule a meeting with applicant's authorized representative within 15 days following receipt of the applicant's objections, and

attempt to resolve disputed issues concerning special permit conditions.

(3) If applicant files no objection to special permit conditions proposed by the Director of Utilities or a subsequent agreement is reached concerning same, the Director of Utilities shall issue a wastewater discharge permit to applicant with such special conditions incorporated therein. However, if an agreement cannot be reached between the applicant and the Director of Utilities, a show cause meeting will be scheduled with the Director of Utilities to resolve the matter.

(4) The Director of Utilities shall schedule the meeting within 90 days, unless such time be extended for just cause shown to resolve any disputed matters relevant to such permit.

(5) The Director of Utilities shall notify the applicant of the date, time, place and purpose of the meeting scheduled. The applicant shall have the right to participate in such meeting and present any relevant evidence to the Director of Utilities concerning proposed special permit conditions or other matters being considered.

(6) Following such meeting, the Director of Utilities shall establish such special permit conditions as he deems advisable to insure the applicant's compliance with this Chapter or other applicable law or regulation and to insure a wastewater discharge permit to the applicant accordingly.

(g) *Permit duration.* Wastewater discharge permits shall be issued for a period not to exceed 3 years. Users becoming subject to a National Pretreatment Standard shall apply for new permits on the effective date of such National Pretreatment Standards. The Director of Utilities shall notify in writing any User whom he has cause to believe is subject to a National Pretreatment Standard of the promulgation of such federal regulations, but any failure of the Director of Utilities in this regard shall not relieve the User of the duty of complying with such National Pretreatment Standards. A User must apply in writing for a renewal permit within the period of time not more than 90 days and not less than 30 days prior to expiration of the current permit. Further limitations or conditions of a permit are subject to modification or change as such changes may become necessary due to changes in applicable water quality standards, changes in Augusta-Richmond County's NPDES Permit, changes in § 5-3-5(g), changes in other applicable law or regulation or for other just causes. Users shall be notified of any proposed changes in their permit by the Director of Utilities at least 30 days prior to the effective date of the change.

Any change or new condition in a permit shall include a provision for a schedule for compliance. The User may appeal the decision of the Director of Utilities in regard to any changed permit conditions as otherwise provided in this Chapter.

(h) *Permit transfer.* Wastewater Discharge Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new or different owner, new or different User, different premises or a new, different or changed operation without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator.

§ 5-3-13. INSPECTION, MONITORING AND ENTRY.

(a) *Monitoring facilities--generally.* Augusta-Richmond County may require, to be provided and operated at an Industrial User's own expense, monitoring facilities to allow inspection, sampling, testing and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility shall normally be situated on the User's premises, but Augusta-Richmond County may, when such a location would be impractical or cause undue hardship to the User, permit the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. The facility, sampling, testing and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

Whether constructed on public or private property, the sampling, testing and monitoring facilities shall be provided in accordance with the Director of Utilities's requirements, this Chapter and all applicable local building codes, construction standards and specifications. The facility shall be completed within 90 days following written notification of requirement by the Director of Utilities.

(b) *Inspection and sampling--generally.* Augusta-Richmond County shall inspect the facilities of any User to ascertain whether the purposes of this Chapter are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow Augusta-Richmond County and its representatives, the Environmental Protection Division (EPD) of the Department of Natural Resources and the U.S. Environmental Protection Agency (EPA) ready access at all reasonable times to all parts of the premises for the purposes of inspection, testing, sampling, records examination or in the performance of any of their duties. Augusta-Richmond County shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, testing, compliance monitoring and/or metering operations. Where a User has security measures in force which require proper clearance before entry into their premises, the User shall make necessary arrangements so that personnel from Augusta-Richmond County, EPD or EPA will be permitted to perform their specific responsibilities and to exercise the rights and authorities herein provided.

(c) *Director of Utilities's requirements.* Whenever required to: (1) develop or assist in the development of any effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, standard or performance or permit condition under this Chapter; (2) determine whether any person is in violation of any effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, standard or performance or permit condition; (3) make any necessary investigation relevant to this Chapter, the Director of Utilities:

(1) May require any non-domestic User to (i) establish and maintain records, (ii) make reports, (iii) install, use and maintain monitoring equipment or methods (including where appropriate, biological monitoring methods), (iv) sample effluents (in accordance with methods, at locations, at intervals and in a manner as the Director of Utilities shall prescribe) and (v) provide other information as he may reasonably require;

(2) Shall have a right of entry to, upon or through any premises in which an effluent source is located or in which any records required to be maintained under clause (1) of this subsection are located; and

(3) May, at reasonable times, have access to and copy any records, inspect any monitoring equipment or method required under clause (1) and sample any effluents which discharge to the POTW.

(d) *Confidential information.* Records, reports, information and data on a User and/or its business contained in reports, questionnaires, permit applications, permits and monitoring programs and/or inspections shall be available to the public or other governmental entities or agency without restriction unless the User specifically requests and demonstrates the release of such information would divulge information, processes or methods of production entitled to protection as a secret, right

of privacy or trade secret of the User or that it would substantially injure or damage the User.

When requested by the person furnishing a report, the portions of a report which might disclose rights of privacy, trade secrets, secret processes or contain substantially injuring or damaging information shall not be made available for inspection by the public, but shall be made available upon written request to governmental entities and agencies for uses related to this Chapter, Augusta-Richmond County's National Pollutant Discharge Elimination System (NPDES) Permit or Pretreatment Program; provided, however, that such portions of a report shall be available for use by or any state entities or agency in enforcement proceedings or judicial review involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information entitled to any protection from disclosure.

§ 5-3-14. INDUSTRIAL WASTEWATER REPORTING REQUIREMENTS.

(a) *Compliance schedule and discharge report requirements.* The following conditions shall apply to the schedule required by § 5-3-12(b) & (e), and § 5-3-14 (a) (6).

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable categorical Pretreatment Standards. No increment referred to in this section shall exceed 9 months.

(2) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Director of Utilities. At a minimum, the report should include whether or not compliance with the increment of progress was met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the Industrial User to return to the construction schedule established.

(3) Within 90 days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the Control Authority a report containing the information described in § 5-3-14.(a) (6) d. - f. For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

(4) Any Industrial User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Control Authority and the Director of Utilities during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Director of Utilities, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which were monitored during the reporting period per § 5-3-12. (e) (4).

(5) The Industrial User shall notify the WWTP immediately by telephone of any slug loading, as defined by § 5-3-5. (a) (10).

(6) Within 180 days after the effective date of a categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under 403.6(a)(4), whichever is later, existing Industrial Users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the control Authority a report which contains the information listed in (a) through (g) below. Where reports containing this information already have been submitted to the Director of Utilities in compliance with the requirement of 40 CFR 128.140(b) (1977), the Industrial User will not be required to submit this information again. At least 90 days prior to commencement of discharge, New sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall be required to submit to the Control Authority a report which contains the information listed in (a) through (e) below. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New Sources shall give estimates of the information requested in paragraphs (d) and (e) of this section:

a. *Identifying information.* The User shall submit the name and address of the facility including the name of the operator and owners;

b. *Permits*. The User shall submit a list of any environmental control permits held by or for the facility;

c. *Description of operations*. The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.

d. *Flow measurement*. The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

1. Regulated process streams; and
2. Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e).

The Control Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

e. *Measurement of pollutants*.

1. The user shall identify the Pretreatment Standards applicable to each regulated process;

2. In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated pollutants in the Discharge from each Regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations;

3. A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Control Authority may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged;

4. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;

5. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewater are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combine wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

6. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for

the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator;

7. The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

8. The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW;

f. *Certification.* A statement, reviewed by an authorized representative of the Industrial User (as defined in 40 CFR 403.12 (k)) and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and

g. *Compliance schedule.* If additional pretreatment and/or O and M will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

1. Where the Industrial User's categorical Pretreatment Standard has been modified by a removal allowance 40 CFR (403.7), the combined wastestream formula 40 CFR (403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR 403.13) at the time the User submits the report required by this section, the information required by 40 CFR 403.12 (b) (6) and (7) shall pertain to the modified limits.

2. If the categorical Pretreatment Standard is modified by a removal allowance, the Combined wastestream formula, and/or a Fundamentally Different Factors variance after the User submits the report required by this section, any necessary amendments to the information requested by this section shall be submitted by the User to the Control Authority within 60 days after the modified limit is approved.

(b) *Record maintenance.* Any Industrial User subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (1) The date, exact place, method and time of sampling and the names of the persons taking the samples;
- (2) The dates analyses were performed;
- (3) The names of those who performed the analyses;
- (4) The analytical techniques/methods used; and
- (5) The results and units of measure of such analyses.

Any Industrial User subject to the reporting requirements established in this section shall be required to retain for a

minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by Augusta-Richmond County, the Director of the Division of Water Quality Control of the Environmental Protection Division, and/or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or when requested by the Director or the Environmental Protection Agency.

(c) Dangerous discharge notification requirements.

(1) *Telephone Notification.* Any person causing or suffering any discharge, whether accidental or not, which represents or may present an imminent or substantial endangerment to the health and welfare of persons, to the environment or which is likely to cause interference with the WWTP, shall notify the Director of Utilities immediately by telephone. In the absence of the Director of Utilities, notification shall be given to Augusta-Richmond County employee then in charge of the treatment works.

(2) *Written Report.* Within 5 days following such occurrence, the User shall provide the Director of Utilities with a detailed report describing the cause of the dangerous discharge and measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage to the WWTP, fish kills or any other damage to person or property, nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Chapter or other applicable law.

(3) *Notice to Employees.* A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a dangerous discharge. Employers that insure all employees who may cause or suffer a dangerous discharge to occur are advised of the emergency notification procedures.

(4) Notification of Hazardous Waste Discharge.

a. The Industrial User shall notify the POTW, the EPA Regional Waste management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous under 40 CFR part 261. Such notification must include the name of the hazardous, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharge during that calendar month, and an estimation of the mass of constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under § 5-3-14. (c) (5). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of § 5-3-14. (a) (3), (4), and (6).

b. Dischargers are exempt from the requirements of paragraph a. of this subsection (4) during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any

hazardous waste do not require additional notification.

c. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

d. In the case of any notification made under this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(5) *Notification of changed discharge.* All Industrial Users shall promptly notify the POTW at least 90 days in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under § 5-3-14. (c) (4).

(d) *Notice of Violation.* The reports required in this section shall contain the results of sampling and analysis of the discharge, and of pollutants contained therein which are limited by the applicable pretreatment Standards. The frequency of monitoring shall be prescribed in the discharge permit. All analysis shall be performed in accordance with procedures established by the Environmental Protection Agency (EPA) and outlined in 40 CFR 136. If sampling performed by an Industrial User indicates a violation, the user shall notify the Control Authority within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit to the Control Authority the results of the repeat analysis within 30 days after becoming aware of violation. The Industrial User is not required to resample if:

(1) The Control Authority performs sampling at the Industrial User at a frequency of at least once per month, or

(2) The Control Authority performs sampling at the User between the time when the User performs its initial sampling and the time when the USER receives the results of this sampling.

(e) *Sampling and Analytical Techniques; Measurement of pollutants.* The user shall identify the Pretreatment Standards applicable to each regulated process;

(1) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Control Authority may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional composite sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged.

(2) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator.

(f) *Certification Statement.* Any person signing a permit application, baseline monitoring report, 90-day compliance report, or self-monitoring report shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or the person directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

§ 5-3-15. PENALTIES.

(a) *Administrative enforcement remedies.*

(1) *Notice of Violation.* Whenever Augusta-Richmond County finds that any User has violated or is violating this Chapter, wastewater contribution permit, or any prohibition, limitation of requirements contained herein, Augusta-Richmond County may serve upon such person a written notice stating the nature of the violation. Within 15 days of the date of the notice, a written plan for the satisfactory correction thereof shall be submitted to the Director of Utilities by the User. Submission of this plan in no way relieves the User of liability for any violations occurring before or after the receipt of the Notice of Violation. This section shall not restrict the authority of the Director of Utilities. The authorized representative of the industrial user shall be responsible for the notice requirements of this section.

(2) *First Permit Violation.* The Industrial User is sent a noncompliance documentation letter containing the following:

- a. Date of violation
- b. Parameter violated and laboratory analysis results
- c. Request for a report of remedial action to be taken to guard against recurring violation
- d. Statement of the next progressive deterrent action to be taken if another permit violation should occur

(3) *Second Permit Violation.* Same as the first violation plus the assessment of an administrative fee to be paid within 30 days.

(4) *Third Permit Violation.* Same as the first violation plus the assessment of an administrative fee to be paid within 30 days.

(5) *Fourth Permit Violation - Subsequent Violations.* Same as the first violation plus the assessment of an administrative fee and possibly immediate termination of sewer service. If terminated sewer service can only be reinstated after the payment of the fee and the submittal and approval of a plan of actions to be taken by the Industrial User to guard against further permit violations. This plan must include milestone dates so that Augusta-Richmond County may evaluate the progress of the plan implementation if the plan is approved. Depending upon the complexity of the problem and the proposed remedial action, Augusta-Richmond County may require that the plan be drawn, reviewed or implemented by or under the direction of a Registered Professional Engineer.

(b) *Consent Agreement.* The Director of Utilities is hereby empowered to enter into Consent Agreements, assurances of voluntary compliance or other similar documents establishing an agreement with the Industrial User responsible for the noncompliance. Such agreements will include specific action to be taken by the Industrial User to correct the noncompliance within a time period also specified by the order. Consent Agreements shall have the same force and effect as administrative orders issued pursuant to Section (D) below.

(c) *Show Cause Hearing.* The Director of Utilities may order any Industrial User which causes or contributes to violation of this Chapter of wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the User show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return

receipt requested) at least 20 days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified Industrial User appears at the hearing, immediate enforcement action may be pursued.

(d) *Compliance Order.* When the Director of Utilities finds that an Industrial User has violated or continues to violate the ordinance or a permit or order issued thereunder, he may issue an order to the Industrial User responsible for the discharge that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

(e) *Cease and Desist Orders.* When the Director of Utilities finds that an Industrial User has violated or continues to violate this Chapter or any permit or order issued hereunder, the Director of Utilities may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(1) Comply forthwith.

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(f) *Emergency Suspensions/Termination.*

(1) The Director of Utilities may suspend the wastewater treatment service and/or wastewater permit of an Industrial User whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW or the environment.

(2) Any User notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director of Utilities shall take such steps as deemed necessary, including immediate severance of the sewer connection to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individual. The Director of Utilities shall allow the User to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in subparagraph (G) are initiated against the User.

(3) An Industrial User which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Director of Utilities prior to the date of the hearing described in Paragraph (c) above.

(g) *Revocation of Permit.* Industrial Users proposing to discharge into the POTW, must first obtain a wastewater discharge permit from Augusta-Richmond County. Any User who violates the following conditions of this Chapter or a wastewater discharge permit or order or any applicable or State and Federal law, is subject to permit termination:

(1) Violation of any terms or conditions of the wastewater discharge permit or other applicable law or regulations.

(2) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(3) Failure to report significant changes in operations or wastewater constituents and characteristics.

(4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring or sampling.

Noncompliant Industrial Users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under paragraph (c) of this section why the proposed action should not be taken.

(h) *Citation.* The Director of Utilities may cite the User for violation of any provision of this Chapter. A violation of any condition of the User's wastewater discharge permit shall be deemed to be a violation of this Chapter.

(i) *Administrative Fines.* Non-withstanding any other section of this Chapter, any User who is found to have violated any provision of this Chapter, or permits and orders issued hereunder, shall be fined in an amount not to exceed \$1,000.00 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the User's next scheduled sewer service charge and the Director of Utilities shall have such other collection remedies as he has to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual User's property. Industrial Users desiring to dispute such fines must file a request for the Director of Utilities to reconsider the fine within 10 days of being notified of the fine. Where the Director of Utilities believes a request has merit, he shall convene a hearing on the matter within 15 days of receiving the request from the Industrial User.

(j) *Assessment of Damages to Users.* When a discharge of waste causes an obstruction, damage or any other impairment to the facilities, or any expense of whatever character or nature to Augusta-Richmond County, the Director of Utilities shall assess the expenses incurred by Augusta-Richmond County to clear the obstruction, repair damage to the facility and any other expenses or damages incurred by Augusta-Richmond County. The Director of Utilities shall file a claim with the User or any other person causing or suffering said damages to incur seeking reimbursement for any and all expenses or damages suffered by Augusta-Richmond County. If the claim is ignored or denied, the Director of Utilities shall notify the Augusta-Richmond County Attorney to take such measures as shall be appropriate to recover for any expense or other damages suffered by Augusta-Richmond County.

§ 5-3-16. JUDICIAL REMEDIES.

If any person discharge sewage, industrial wastes or other wastes into the wastewater disposal system contrary to the provisions of this Chapter or any order or permit issued hereunder, the Director of Utilities through Augusta-Richmond County Attorney, may commence an action for appropriate legal and/or equitable relief in the Circuit Court of Richmond County, Georgia or such other courts as may have Jurisdiction.

(a) *Injunctive Relief.* Whenever an Industrial User has violated or continues to violate the provisions of this Chapter or permit or order issued hereunder, the Director of Utilities, through counsel may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the Industrial User. Suit may be brought to recover any and all damages suffered by Augusta-Richmond County as a result of any action or inaction of any User or other person who causes or suffers damage to occur to the WWTP, or for any other expense, loss or damage of any kind or nature suffered by Augusta-Richmond County.

(b) *Civil Penalties.* Any User who is found to have violated an Order of the Commission or who willfully or negligently failed to comply with any provision of this Chapter, and the orders, rules, regulations and permits issued hereunder, shall be liable to the Director of Utilities for a civil penalty of not more than \$1,000.00 plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the Director of Utilities may recover reasonable attorney's fees, court costs, court reporters' fees, expenses associated with the enforcement activities, including sampling and monitoring expenses and other expenses of litigation by appropriate suit at law against the person found to have violated this Chapter or the orders, rules, regulations and permits issued hereunder.

The Director of Utilities shall petition the Court to impose, assess and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the Industrial User's violation, corrective actions by the Industrial User, the compliance history of the User and any other factor as justice requires.

(c) *Criminal Prosecution.*

(1) *Violations - Generally.* Any person found to be violating any provision of this chapter shall upon conviction be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000.00 per day or imprisonment for not more than six months, or both. Each day in which any such violation shall continue shall be deemed a separate offense.

(2) *Falsifying Information.* Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter, or Wastewater Contribution Permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter, shall upon conviction, be punished by a fine of not more than \$1,000.00 per violation per day or by imprisonment for not more than six months, or both.

(3) *Damaging Facilities.* No person shall maliciously, willfully or negligently break, damage, destroy, remove, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of Augusta-Richmond County or the sewerage work of Augusta, Georgia. Any person violating this provision shall be guilty of a misdemeanor, and may be fined up to \$1,000.00 per violation per day or be imprisoned for not more than six months, or both.

(d) *Supplemental enforcement remedies.*

(1) *Annual Publication of Significant Violations.* The Director of Utilities shall publish, at least annually, in the

largest daily newspaper circulated in the service area, a list of those Industrial Users which are found to be in significant violation, as defined in § 5-3-2 of this Chapter during the previous 12 months. The notification shall also summarize any enforcement actions taken against the User(s) during the same 12 months.

(2) *Director of Utilities Petition for Federal or State Enforcement.* In addition to other remedies for enforcement provided herein, the Director of Utilities may petition the State of Georgia or the United States, Environmental Protection Agency, as appropriate to exercise such methods or remedies as shall be available to such government entities to seek criminal or civil penalties, injunctive relief or such other remedies as may be provided by applicable federal or state laws to insure compliance by Industrial Users of applicable pretreatment standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the WWTP or to prevent such other water pollution as may be regulated by state or federal law.

(3) *Performance Bonds.* The Director of Utilities may decline to reissue a permit to any Industrial User which has failed to comply with the provisions of this Chapter or any order to previous permit issued hereunder unless such User first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Director of Utilities to be necessary to achieve consistent compliance.

(4) *Liability Insurance.* The Director of Utilities may decline to reissue a permit to any Industrial User which has failed to comply with the provisions of this Chapter or any order or previous permit issued hereunder, unless the Industrial User first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

(5) *Water Supply Severance.* Whenever an Industrial User has violated or continues to violate the provisions of this Chapter or an order or permit issued hereunder, water service to the Industrial User may be severed and service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.

(6) *Public Nuisances.* Any violation of the prohibitions or effluent limitations of this Chapter or permit or order issued hereunder is hereby declared a public nuisance and shall be corrected or abated as directed by the Director of Utilities or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of the Augusta-Richmond County Code governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

(7) *Contractor Listings.* Industrial Users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to Augusta-Richmond County.

(e) *Affirmative defenses.*

(1) *Treatment Upsets.*

a. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3), below, are met.

c. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the user can identify the cause(s) of the upset;

2. The facility at the time was being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

3. The user has submitted the following information to the Director of Utilities within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:

(i) a description of the indirect discharge and cause of noncompliance;

(ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance time is expected to continue; and

(iii) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

d. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

e. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

f. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(2) *Prohibited Discharge Standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 5-3-5. (a) or the specific prohibitions in § 5-3-5. (a) (1) - (20) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

a. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

b. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when Augusta-Richmond County was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(f) *Treatment Bypasses.*

(1) For the purposes of this section,

a. *Bypass* means the intentional diversion of wastestreams from any portion of a user's treatment facility.

b. *Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.

(3) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director of Utilities at least ten (10) days before the date of the bypass, if possible.

(4) A user shall submit oral notice to the Director of Utilities, of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time of the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director of Utilities may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(5) Bypass is prohibited, and The Director of Utilities may take an enforcement action against a user for a bypass, unless

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The user submitted notices as required under paragraph (3) or (4) of this subsection (f).

d. The Director of Utilities may approve an anticipated bypass, after considering its adverse effects, if the Director of Utilities determines that it will meet the three conditions listed in paragraph (5) of this subsection (f).

§ 5-3-17. SEVERABILITY.

If any provision, paragraph, word, section or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

§ 5-3-18. CONFLICT.

All other Ordinances and parts of Ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict.